

This is not the official court record. Official records of court proceedings may only be obtained directly from the court maintaining a particular record.

State Vs Willie Hemphill

Case Number	27D02-0406-FB-000069	
Court	Grant Superior Court 2	
Type	FB - Class B Felony	
Filed	06/09/2004	
Status	08/29/2005 , Decided	
Reference	Original County Cause Number	D204FB69

Parties to the Case

Defendant	Hemphill, Willie J	
Description	Male, Black	
Address	310 West 20Th Street Marion, IN 46953	
Attorney	David Marlin Payne <i>#564827, Court Appointed</i> 112 South Boots Street Marion, IN 46952-0000 765-664-4132(W)	

State	State of Indiana	
Plaintiff		
Attorney	Evan Kent Hammond <i>#2561829</i> Kiley Harker Certain 300 West Third Street Marion, IN 46952 765-664-9041(W)	

Charges

01	06/09/2004	CRIMINAL CONFINEMENT- With A Weapon And/Or Serious Injury	
	Statute	35-42-3-3(b)(2)	
	Degree	FB	
02	06/09/2004	BATTERY RESULTING IN SERIOUS BODILY INJ	
	Statute	35-42-2-1(3)	
	Degree	FC	
03	06/09/2004	INTIMIDATION WITH A DEADLY WEAPON- Person Draws Or Uses A Deadly Weapon While Committing Intimidati	
	Statute	35-45-2-1(b)(2)	
	Degree	FC	

- 04 06/09/2004 INTIMIDATION WITH A DEADLY WEAPON- Person Draws Or Uses A Deadly Weapon While Committing Intimidati
 Statute 35-45-2-1(b)(2)
 Degree FC
-
- 05 06/09/2004 INTERFERENCE WITH REPORTING- Did, With Intent To Committ, Conceal,Aid In Commission Of Crime, Inter
 Statute 35-45-2-5(1)
 Degree MA

Chronological Case Summary

06/09/2004 **Converted Event**

Docket Note: MPD

06/09/2004 **Converted Event**

State of Indiana files appearance form and further files Criminal Information and Affidavit of Probable Cause. Probable cause found and bond set in the sum of \$150,000.00 as per Order filed. Clerk of the Court is directed to issue to the Sheriff of Grant County as warrant for the arrest of the defendant and to endorse thereon bond set herein. Thomas Hunt, Judge Pro Tem. Warrant issued. (RJO? N) | JTS Minute Entry Date: 2004-06-09

06/14/2004 **Converted Event**

Comes now the defendant in custody and in person. The Court now conducts initial hearing and advises defendant of his rights and, at the request of defendant, appoints Shane Beal as attorney, upon finding defendant to be an indigent person. The Court now assigns cause for trial for October 24, 2004, commencing at 1:30 p.m., as 5th choice, and that State and defendant to meet on or before July 28, 2004, for pretrial conference, all as per Order on Initial Hearing filed. Thomas R. Hunt, Judge Pro Tem. (RJO? Y) (Alt Judge T) | JTS Minute Entry Date: 2004-06-10

06/17/2004 **Converted Event**

Return of arrest warrant filed with the court showing the arrest of Willie Hemphill on 6/10/04. (RJO? N) | JTS Minute Entry Date: 2004-06-17

06/22/2004 **Converted Event**

Defendant by counsel, Shane Beal, files Motion for Discovery. Same Granted. (RJO? N) | JTS Minute Entry Date: 2004-06-18

06/25/2004 **Converted Event**

Defendant by counsel, Shane Beal, files Motion for Bond Reduction. Matter set for hearing on same set for July 12, 2004, at 9:00 a.m. Notice Ordered. (RJO? N) | JTS Minute Entry Date: 2004-06-25

06/30/2004 **Converted Event**

Defendant files correspondence, copy forwarded to counsel, Shane Beal. (RJO? N) | JTS Minute Entry Date: 2004-06-25

07/06/2004 **Converted Event**

State of Indiana files Notice of Discovery Compliance. State of Indiana files Motion for Discovery. Same granted. (RJO? N) | JTS Minute Entry Date: 2004-07-06

07/15/2004 **Converted Event**

Defendant in custody and by counsel, Shane Beal, and the State of Indiana by Rodney Faulk appear. Defendant by counsel, Shane Beal orally requests to withdraw Motion for Bond Reduction. Same granted. (RJO? N) | JTS Minute Entry Date: 2004-07-12

08/11/2004	Converted Event Defendant files correspondence with the Court. Same copied and forwarded to counsel, Shane Beal. (RJO? N) JTS Minute Entry Date: 2004-08-10
08/13/2004	Converted Event Defendant files correspondence with the court. (RJO? N) JTS Minute Entry Date: 2004-08-13
08/24/2004	Converted Event Defendant files correspondence with the court. (RJO? N) JTS Minute Entry Date: 2004-08-24
08/31/2004	Converted Event Defendant files correspondence with the court. (RJO? N) JTS Minute Entry Date: 2004-08-31
09/01/2004	Converted Event Defendant files correspondence with the court. (RJO? N) JTS Minute Entry Date: 2004-09-01
09/13/2004	Converted Event Willie Hemphill files correspondence with the court. (RJO? N) JTS Minute Entry Date: 2004-09-13
09/15/2004	Converted Event Defendant files correspondence with the court. (RJO? N) JTS Minute Entry Date: 2004-09-15
10/20/2004	Converted Event Defendant by counsel, Shane Beal, files Motion to Continue, Jury Trial currently set for October 25, 2004. Submitted, examined, and granted. Jury Trial now set for March 7, 2005, commencing at 1:30 p.m. Notice Ordered. (RJO? N) JTS Minute Entry Date: 2004-10-15
11/09/2004	Converted Event Defendant by counsel, Shane Beal, files Notice of Taking Deposition and copy of Subpoena to [REDACTED]. (RJO? N) JTS Minute Entry Date: 2004-11-05
11/09/2004	Converted Event Defendant by counsel, Shane Beal, files Notice of Taking Deposition and copy of Subpoena to Tracy Jones. (RJO? N) JTS Minute Entry Date: 2004-11-05
12/03/2004	Converted Event Defendant files correspondence with the court. (RJO? N) JTS Minute Entry Date: 2004-12-03
12/10/2004	Converted Event Defendant files correspondence with the court. (RJO? N) JTS Minute Entry Date: 2004-12-10
12/16/2004	Converted Event State of Indiana orally requests this matter be set for Guilty Plea Hearing. Same set for January 10, 2005, at 9:00 a.m. Notice Ordered. (RJO? N) JTS Minute Entry Date: 2004-12-16
01/12/2005	Converted Event Defendant by counsel, Shane Beal, orally requests Guilty Plea Hearing be lifted and Jury Trial date of March 7, 2005, be maintained. Same granted. (RJO? N) JTS Minute Entry Date: 2005-01-10
01/19/2005	Converted Event Defendant files correspondence with the court. (RJO? N) JTS Minute Entry Date: 2005-01-19
01/28/2005	Converted Event Defendant files correspondence with the court. (RJO? N) JTS Minute Entry Date: 2005-01-28

03/14/2005 Converted Event

Defendant files correspondence with the Court. (RJO? N) | JTS Minute Entry Date: 2005-03-14

03/16/2005 Converted Event

This matter was set for Jury Trial on March 7, 2005. This cause could not be tried, and must be continued because of congestion of the Court's calendar pursuant to Rule 4(a) of Indiana Rules of Criminal Procedures, as the Court was trying State of Indiana vs. John Henry Ray, 27D02-0407-FB-84. This matter shall be set for trial by jury on August 1, 2005, commencing at 1:30 p.m., as per Order filed. (RJO? Y) | JTS Minute Entry Date: 2005-03-07

03/30/2005 Converted Event

Defendant files correspondence with the Court. Same referred to counsel, Shane Beal. (RJO? N) | JTS Minute Entry Date: 2005-03-29

04/11/2005 Converted Event

Shane Beal files minute entry. Court sets hearing on minute entry filed for April 18, 2005, at 9:00 a.m. Notice Ordered. (RJO? N) | JTS Minute Entry Date: 2005-04-11

04/19/2005 Converted Event

Comes now the Public Defender Board and appoints Bruce Elliott as counsel for defendant. Shane Beal directed to forward all information to Bruce Elliott as soon as possible. (RJO? N) | JTS Minute Entry Date: 2005-04-19

04/19/2005 Converted Event

Comes now State of Indiana by Rodney Faulk. Comes now the defendant in custody together with his counsel, Shane Beal. The Court informs defendant that Pro Se filings while retaining counsel are not read by the Court. Defendant requests Shane Beal be removed from his case due to the fact that defendant filed disciplinary action against Mr. Beal. The Court grants defendant's request and now directs the Public Defender Board to appoint counsel for defendant, all as per Order filed. (RJO? Y) | JTS Minute Entry Date: 2005-04-18

05/11/2005 Converted Event

Defendant files correspondence with the court. (RJO? N) | JTS Minute Entry Date: 2005-05-11

05/18/2005 Converted Event

Defendant by counsel, Bruce N. Elliott, files Motion for Speedy Trial. Matter now set for Speedy Trial on July 11, 2005, commencing at 1:30 p.m. Notice Ordered. (RJO? N) | JTS Minute Entry Date: 2005-05-17

05/31/2005 Converted Event

Defendant files correspondence with the Court. (RJO? N) | JTS Minute Entry Date: 2005-05-26

06/16/2005 Converted Event

Comes now the Court and sets matter for Mandatory Pre-Trial Hearing on June 23, 2005, at 9:00 a.m. Notice Ordered. (RJO? N) | JTS Minute Entry Date: 2005-06-16

06/23/2005 Converted Event

Comes now the State of Indiana and orally moves to continue Mandatory Pre-Trial hearing to June 24, 2005, at 11:00 a.m. Same granted. Notice Ordered. (RJO? N) | JTS Minute Entry Date: 2005-06-23

06/24/2005 Converted Event

Parties inform the Court matter is in plea negotiations and will notify the Court on June 27, 2005, if trial is proceeding. Comes now the Court and files Pre-Trial Order. (RJO? Y) | JTS Minute Entry Date: 2005-06-24

07/06/2005 Converted Event

Defendant files correspondence with the Court. (RJO? N) | JTS Minute Entry Date: 2005-07-05

07/08/2005 Converted Event

Defendant by counsel, Bruce Elliott, files Emergency Motion to Continue. Same set for hearing July 11, 2005, at 1:30 p.m. Notice Ordered. (RJO? N) | JTS Minute Entry Date: 2005-07-08

07/19/2005 Converted Event

Defendant appears in custody and by counsel, Bruce Elliott. State of Indiana appears by Rodney Faulk. Motion to Continue heard and the Court determines that counsel for defendant had an emergency. Motion granted. Jury Trial now reset for August 8, 2005, as a Speedy setting. Notice Ordered. (RJO? N) | JTS Minute Entry Date: 2005-07-11

07/22/2005 Converted Event

Defendant files Notice of Intent to Try Case. (RJO? N) | JTS Minute Entry Date: 2005-07-21

08/01/2005 Converted Event

Defendant files correspondence with the Court. Same forwarded to counsel on both sides and filed without being read. (RJO? N) | JTS Minute Entry Date: 2005-07-28

08/04/2005 Converted Event

Defendant files correspondence with the court. (RJO? N) | JTS Minute Entry Date: 2005-08-04

08/11/2005 Converted Event

Comes now State of Indiana by Rodney Faulk. Further comes the defendant in the custody of the Sheriff of Grant County together with his attorney, Bruce Elliott. State and defendant file written Plea Agreement. Defendant moves the Court to enter a plea pursuant to the Plea Agreement. Motion granted. Defendant now enters a plea of guilty pursuant to the Plea Agreement all as per Order on Plea Agreement filed. Sentencing hearing is set for August 29, 2005, at 9:00 a.m. Notice ordered. (RJO? Y) | JTS Minute Entry Date: 2005-08-08

08/26/2005 Converted Event

Presentence Investigation Report filed. (RJO? N) | JTS Minute Entry Date: 2005-08-26

08/29/2005 Judgment

Conversion

01. CRIMINAL CONFINEMENT- With A Weapon And/Or Serious Injury
- Dismissed
-

08/29/2005 Judgment

Conversion

02. BATTERY RESULTING IN SERIOUS BODILY INJ
- Finding of Guilty
-

08/29/2005 Judgment

Conversion

03. INTIMIDATION WITH A DEADLY WEAPON- Person Draws Or Uses A Deadly Weapon While Committing Intimidati
- Dismissed
-

08/29/2005 Judgment

Conversion

04. INTIMIDATION WITH A DEADLY WEAPON- Person Draws Or Uses A Deadly Weapon While Committing Intimidati
- Dismissed
-

08/29/2005 Judgment

Conversion

05. INTERFERENCE WITH REPORTING- Did, With Intent To Committ, Conceal,Aid In Commission Of Crime, Inter
- Dismissed

09/02/2005 Converted Event

Comes now State of Indiana by Rodney Faulk. Further comes the defendant in the custody of the Sheriff with his attorney, Bruce Elliott. Cause submitted for sentencing hearing. Evidence heard. The Court now sentences the defendant to the Indiana Department of Corrections all as per Order of Sentence filed. Costs assessed against defendant. (DISPOSED: GP) (RJO? Y) | JTS Minute Entry Date: 2005-08-29

09/13/2005 Converted Event

Abstract of Judgment filed. (RJO? Y) | JTS Minute Entry Date: 2005-09-13

10/21/2005 Converted Event

Return of copy of Sentencing Order sent to defendant stating "not at this address, return to sender." (RJO? N) | JTS Minute Entry Date: 2005-10-21

11/03/2005 Converted Event

Mailed a complete copy of CCS to his place of incarceration. hm (RJO? N) | JTS Minute Entry Date: 2005-11-03

11/22/2005 Converted Event

Defendant files, pro se, Petition for Production of Guilty Plea and Sentencing Transcripts at Public Expense. (RJO? N) | JTS Minute Entry Date: 2005-11-18

11/22/2005 Converted Event

Defendant files, pro se, Motion for Credit Time Spent Incarcerated Prior to Trial and Sentencing. Same referred to State and State requested to respond in thirty days. (RJO? N) | JTS Minute Entry Date: 2005-11-18

11/22/2005 Converted Event

Comes now the Court and grants defendant's pro se Petition for Production of Guilty Plea and Sentencing Transcripts at Public Expense. (RJO? Y) | JTS Minute Entry Date: 2005-11-21

11/30/2005 Converted Event

Amended Order of Sentence filed. Amended Abstract filed. (RJO? Y) | JTS Minute Entry Date: 2005-11-23

11/30/2005 Converted Event

State files response to defendant's "Motion for Credit Time Spent Incarcerated Prior to Trial and Sentencing," stating credit time should be 448 actual days. Grant County Probation, by Trisha Scott, agrees with 448 days. State requests Court file Order amending credit time. (RJO? N) | JTS Minute Entry Date: 2005-11-23

01/26/2006 Converted Event

Defendant files correspondence with the Court. Clerk directed to forward copy of Amended Order of Sentence and Amended Abstract both filed November 23, 2005, to defendant at D.O.C. (RJO? N) | JTS Minute Entry Date: 2006-01-26

02/16/2006 Converted Event

Defendant files correspondence with the court. (RJO? N) | JTS Minute Entry Date: 2006-02-16

03/02/2006 Converted Event

New Castle Correctional files correspondence informing the court that defendant will be released on June 7, 2006. (RJO? N) | JTS Minute Entry Date: 2006-03-02

03/13/2006 Converted Event

Comes now the Court and files Findings and Order for Community Transition Program stating that good cause exists to deny placement, and Indiana Department of Correction is Ordered to retain control over the defendant and defendant not assigned to the community transition program, as per Order filed. (RJO? Y) | JTS Minute Entry Date: 2006-03-10

06/20/2006 Converted Event

The Court now imposes conditions of probation all as per Order filed. (RJO? Y) | JTS Minute Entry Date: 2006-06-12

06/27/2006 Converted Event

Grant County Probation, by Thomas Lawson, files Information For the Court stating defendant has requested a travel permit for employment purposes. Submitted, examined, and approved by the Court. (RJO? N) | JTS Minute Entry Date: 2006-06-26

12/18/2007 Converted Event

Petition for Revocation of Probation is submitted and examined. The Court files Order Authorizing Warrant for Probation Violation, and sets bond in the amount of \$10,000.00. Clerk of the Court directed to issue to the Sheriff of Grant County a warrant for the arrest of defendant returnable instanter and endorse the bond amount herein. (RJO? Y) | JTS Minute Entry Date: 2007-12-13

12/19/2007 Converted Event

Warrant Issued. lw (RJO? N) | JTS Minute Entry Date: 2007-12-19

01/04/2008 Converted Event

Return of Bench Warrant filed with the court showing the arrest of Willie Hemphill on 12/19/07. (RJO? N) | JTS Minute Entry Date: 2008-01-04

01/11/2008 Case ReOpened

Comes now the defendant in the custody of the Sheriff in open Court for initial hearing upon the Petition for Revocation of Probation. The Court conducts initial hearing and assigns cause for fact finding for February 11, 2008, at 9:00 a.m., as per Order filed. The Court shows David Payne appointed as Court appointed counsel. Notice Ordered. (RJO? Y) | JTS Minute Entry Date: 2008-01-10

01/24/2008 Converted Event

David Payne files Appearance Form on behalf of defendant. (RJO? N) | JTS Minute Entry Date: 2008-01-17

01/24/2008 Converted Event

Counsel for defendant, David Payne, files Motion to Produce Evidence. (RJO? N) | JTS Minute Entry Date: 2008-01-17

02/04/2008 Converted Event

Bruce Elliott files Motion to Withdraw. Submitted, examined, and granted. (RJO? N) | JTS Minute Entry Date: 2008-02-01

02/20/2008 Converted Event

Parties agree to continue hearing to March 17, 2008, at 9:00 a.m. Notice Ordered. (RJO? N) | JTS Minute Entry Date: 2008-02-11

03/17/2008 Converted Event

Signed Plea Agreement filed. (RJO? N) | JTS Minute Entry Date: 2008-03-17

03/18/2008 Converted Event

Comes now the State by Rodney Faulk. Further comes the defendant in custody together with his attorney, David Payne. State and defendant move to enter an admission of violation of probation. Motion granted. The Court now revokes the defendant's sentence and resentsences the defendant all as per Order of Sentence filed. (DISPOSED: REDGP) (RJO? Y) | JTS Minute Entry Date: 2008-03-17

04/01/2008 Converted Event

Grant County Probation files Information for the Court including a letter from defendant. The Court contacts Sheriff and directs the clerk to forward copy of sentencing order for probation violation to the sheriff. (RJO? N) | JTS Minute Entry Date: 2008-03-25

09/04/2008 Converted Event

Fine and cost not paid. Same sent to collection. 8/4/08 js (RJO? N) | JTS Minute Entry Date: 2008-09-04

09/17/2008 Converted Event

Petition for Revocation of Probation is submitted and examined. The Court files Order Authorizing Warrant for Probation Violation, and sets bond in the amount of \$10,000.00. Clerk of the Court directed to issue to the Sheriff of Grant County a warrant for the arrest of defendant returnable instanter and endorse the bond amount herein. (RJO? Y) | JTS Minute Entry Date: 2008-09-12

09/18/2008 Converted Event

Warrant issued. lw (RJO? N) | JTS Minute Entry Date: 2008-09-18

09/23/2008 Converted Event

Return of Bench Warrant filed with the court showing the arrest of defendant on 9/19/08. (RJO? N) | JTS Minute Entry Date: 2008-09-23

09/30/2008 Converted Event

Court receives so-called pro se Notice of Appeal. Same referred to counsl for discussion. (RJO? N) | JTS Minute Entry Date: 2008-09-24

09/30/2008 Case ReOpened

Comes now the defendant in the custody of the Sheriff in open Court for initial hearing upon the Petition for Revocation of Probation. The Court conducts initial hearing and assigns cause for fact finding for October 27, 2008, at 9:00 a.m., as per Order filed. The Court shows David Payne appointed as Court appointed counsel to assist defendant as he represents himself pro se. Notice Ordered. (RJO? Y) | JTS Minute Entry Date: 2008-09-24

10/31/2008 Converted Event

Defendant by counsel, David Payne, orally requests to continue one week. The Court grants same and sets hearing for November 3, 2008, at 9:00 a.m. (RJO? N) | JTS Minute Entry Date: 2008-10-27

11/05/2008 Converted Event

Defendant by counsel, David Payne, orally requests continuance to November 10, 2008, at 9:00 a.m. Notice Ordered. (RJO? N) | JTS Minute Entry Date: 2008-11-03

11/24/2008 Converted Event

Defendant appears in custody and by counsel, David Payne. State appears by Rodney Faulk. Defendant's Motion to Dismiss and Discharge Revocation of Probation. Evidence heard and concluded. The Court takes Motion under advisement. (RJO? N) | JTS Minute Entry Date: 2008-11-10

12/09/2008 Converted Event

Comes now the Court, having taken defendant's motion under advisement, and denies Motion. (RJO? N) | JTS Minute Entry Date: 2008-11-24

09/17/2009 Converted Event

Comes now the Court and sets this cause for hearing on Probation Violation for October 19, 2009, commencing at 9:00 a.m. Notice ordered (RJO? N) | JTS Minute Entry Date: 2009-09-17

04/13/2010 Converted Event

Comes now the Court and sets this cause for hearing on probation Violation for April 26, 2010, commencing at 9:00 a.m. Notice ordered (RJO? N) | JTS Minute Entry Date: 2010-04-13

04/26/2010 **Converted Event**

Comes now the Court and vacates the entries of 09/19/2009 and 04/13/2010. Entries poseted on this cause in error.
(RJO? N) | JTS Minute Entry Date: 2010-04-26

Financial Information

* Financial Balances reflected are current representations of transactions processed by the Clerk’s Office. Please note that any balance due does not reflect interest that has accrued – if applicable – since the last payment. For questions/concerns regarding balances shown, please contact the Clerk’s Office.

Hemphill, Willie J
Defendant

Balance Due (as of 05/29/2018)
156.00

Charge Summary

Description	Amount	Credit	Payment
Court Costs and Filing Fees	156.00	0.00	0.00

Transaction Summary

Date	Description	Amount
06/09/2004	Transaction Assessment	156.00

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STATE OF INDIANA

COUNTY OF GRANT

STATE OF INDIANA

VS

WILLIE J. HEMPHILL

)
) SS:
)

IN THE GRANT SUPERIOR COURT 2

CAUSE NO: 27D02-0406-FB-69

INFORMATION FOR:

Count 1:
Criminal Confinement
a Class B Felony
I.C. 35-42-3-3(b)(2)(A)

Count 2:
Battery Resulting in Serious Bodily Injury
a Class C Felony
I.C. 35-42-2-1(a)(3)

Count 3:
Intimidation
a Class C Felony
I.C. 35-45-2-1(b)(2)

Count 4:
Intimidation
a Class C Felony
I.C. 35-45-2-1(b)(2)

Count 5:
Interference with the Reporting of a Crime
a Class A Misdemeanor
I.C. 35-45-2-5(1)

FILED
JUN 09 2004
Carolyn J. Mowery
CLERK GSC 2

Count 1

The undersigned, being duly sworn upon his oath, says that on or about June 5, 2004, in Grant County, State of Indiana, Willie J. Hemphill did knowingly and/or intentionally remove Tracy Jones from one location inside her residence at [REDACTED] to her back porch by dragging her and while armed with a deadly weapon, to-wit: a metal pipe and lighter fluid, all of which is contrary to the form of the statutes in such cases made

and provided by I.C. 35-42-3-3(b)(2)(A) and against the peace and dignity of the State of Indiana.

Count 2

The undersigned, being duly sworn upon his oath, says that on or about June 5, 2004, in Grant County, State of Indiana, Willie J. Hemphill did knowingly touch Tracy Jones in a rude, insolent, or angry manner, to wit: repeatedly beating and striking Tracy Jones about her head, face, arm, hip and leg by means of a deadly weapon, to-wit: a metal pipe, resulting in serious bodily injury to Tracy Jones, to-wit: extreme pain, all of which is contrary to the form of the statutes in such cases made and provided by I.C. 35-42-2-1(a)(3) and against the peace and dignity of the State of Indiana.

Count 3

The undersigned, being duly sworn upon his oath, says that on or about June 5, 2004, in Grant County, State of Indiana, Willie J. Hemphill did, while drawing and using a deadly weapon, to-wit: a metal pipe and lighter fluid, did communicate a threat to kill Tracy Jones with the intent that Tracy Jones engage in conduct against her will, that she not call the police or seek protection from Willie J. Hemphill's attack on Tracy Jones, all of which is contrary to the form of the statutes in such cases made and provided by I.C. 35-45-2-1(b)(2) and against the peace and dignity of the State of Indiana.


Count 4

The undersigned, being duly sworn upon his oath, says that on or about June 5, 2004, in Grant County, State of Indiana, while drawing and using a deadly weapon, to-wit: a metal pipe and lighter fluid, Willie J. Hemphill did communicate a threat to 12 year old

██████████, that he was going to burn up her house and kill everyone, with the intent that ██████████ not call the police or seek protection from Willie J. Hemphill's attack on ██████████'s mother, Tracy Jones, all of which is contrary to the form of the statutes in such cases made and provided by I.C. 35-45-2-1(b)(2) and against the peace and dignity of the State of Indiana.

Count 5

The undersigned, being duly sworn upon his oath, says that on or about June 5, 2004, in Grant County, State of Indiana, Willie J. Hemphill, with the intent to commit, conceal, or aid in the commission of a crime, knowingly or intentionally interfered with 12 year old ██████████'s attempt to use a 911 telephone system by ripping the telephone cord from the wall at her home at ██████████ all of which is contrary to the form of the statutes in such cases made and provided by I.C. 35-45-2-5(1) and against the peace and dignity of the State of Indiana.

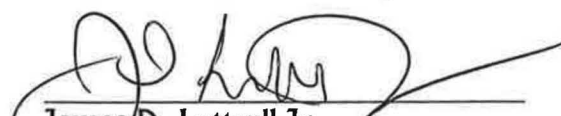

Captain Jay D. Kay
Marion Police Department

Subscribed and sworn to before me this 9th day of JUNE, 2004.

My commission expires:
December 31, 2006


James D. Luttrull Jr.
Prosecuting Attorney

APPROVED BY ME:


James D. Luttrull Jr.
Prosecuting Attorney

WITNESSES:

Jay D. Kay



Ben Caudell

Jared Reel

Jeffrey Tomlinson

Karen Whitted

Nathan McBee

Robin Young

Tracy Jones

STATE OF INDIANA

COUNTY OF GRANT

STATE OF INDIANA

VS

WILLIE J. HEMPHILL

)
) SS:
)

IN THE GRANT SUPERIOR COURT 2

CAUSE NUMBER: 27D02-0406-FB-69

AFFIDAVIT FOR PROBABLE CAUSE

Count 1:
Criminal Confinement
a Class B Felony

Count 2:
Battery Resulting in Serious Bodily Injury
a Class C Felony

Count 3:
Intimidation
a Class C Felony

Count 4:
Intimidation
a Class C Felony

Count 5:
Interference with the Reporting of a Crime
a Class A Misdemeanor

FILED

JUN 09 2004

Carolyn J. Mowery
CLERK GSC 2

The undersigned, being duly sworn upon his oath, deposes and states upon information and belief that Willie J. Hemphill has committed the offense of Count 1: Criminal Confinement, a Class B Felony, Count 2: Battery Resulting in Serious Bodily Injury, a Class C Felony, Count 3: Intimidation, a Class C Felony, Count 4: Intimidation, a Class C Felony, and Count 5: Interference with the Reporting of a Crime, a Class A Misdemeanor, and in support thereof says as follows:


1. That your Affiant is a law enforcement officer with the Marion (IN) Police Department in charge of criminal investigations and was acting in said capacity at all times herein.
2. That at approximately 3:45 on the morning of June 5, 2004 Marion Police Officer Karen Whitted was dispatched to [REDACTED] for a women who had been attacked and injured. Officer Whitted found that the house was in complete disarray, that the telephone had been pulled out of the wall, that the adult female in the house, Tracy Jones, had been severely injured and that her broken eyeglasses were on the kitchen floor. Also observed was an opened container of lighter fluid near the bathroom door, the back door was damaged and the interior door frame was completely torn from the wall. Blood was observed in many locations including the dinner room, kitchen and back porch. There was a large amount of blood on Tracy Jones' clothing. Tracy Jones informed Officer Whitted that she and her boyfriend, Willie J. Hemphill, were in an argument and Hemphill began pushing and striking Jones. She tried to get Hemphill to leave the house and then decided to leave herself. Tracy Jones then decided she should not leave her children, 5 month old, 6 year old, 7 year old and 12 year old at home with her boyfriend while he was so angry, Jones returned to the home and picked up an approximately 4 foot long metal pipe for self-defense. Hemphill began beating her again and she attempted to defend herself with the pipe. After she struck him once with the pipe he snatched it away from her and Hemphill began beating her numerous times around the right side of her body as she lay on the kitchen floor. She was beaten several times in the head, face, arm, side and leg with the pipe. When the 12-year-

old, [REDACTED], attempted to call the police at Jones request, Hemphill yanked the telephone cord from the wall and yelled that he was not going to go back to jail. Hemphill has a long history of domestic violence against various females. Hemphill threatened Jones that he would kill her and began to beat her again. Hemphill also yelled at [REDACTED] that he was going to burn the house and kill everyone in the house. At some point, [REDACTED] was able to secretly climb out the bathroom window and run to a neighbor's house to call the police. In the process of exiting the window she injured her foot. Hemphill had squirted Jones with lighter fluid and stated he was going to set her on fire. He began to drag her to the back porch. After Jones pretended to be unconscious, she stated that Hemphill fled the house.

3. [REDACTED] was interviewed by the police and her account corroborated that of her mother's. Further, the location of the lighter fluid, the condition of the phone, the blood throughout the house and the injuries observed on Jones were consistent with the description she had given of the beating. Jones required stitches to close the wound to her head and had numerous bruises that were enormous and covered a large portion of her body.
4. In 2003 Hemphill was convicted of Domestic Battery, Interference with the Reporting of a Crime and Invasion of Privacy. He was also convicted of violating probation.

WHEREFORE, your Affiant respectfully requests the Court to determine that probable cause exists for the issuance of an arrest warrant for Willie J. Hemphill for Count 1: Criminal Confinement, a Class B Felony, Count 2: Battery Resulting in Serious Bodily

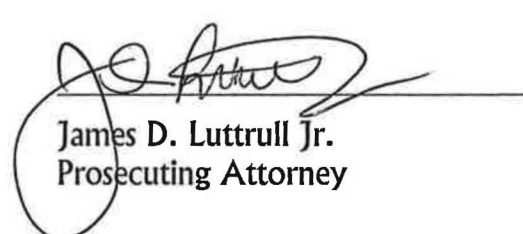
Injury, a Class C Felony, Count 3: Intimidation, a Class C Felony, Count 4: Intimidation, a Class C Felony, and Count 5: Interference with the Reporting of a Crime, a Class A Misdemeanor.



Captain Jay D. Kay
Marion Police Department

Subscribed and sworn to before me this 9th day of JUNE, 2004.

My commission expires:
December 31, 2006



James D. Luttrull Jr.
Prosecuting Attorney

STATE OF INDIANA

)

IN THE GRANT SUPERIOR COURT 2

) SS:

COUNTY OF GRANT

)

CAUSE NUMBER: 27D02-0406-FB-69

STATE OF INDIANA

VS

WILLIE J. HEMPHILL

FILED

JUN 09 2004

Carolyn J. Mowery
CLERK GSC 2

ORDER

The State of Indiana, by its Prosecuting Attorney, James D. Luttrull Jr., files Affidavit for Probable Cause, which is examined by the Court.

From said examination the Court finds that probable cause does exist for the arrest of Willie J. Hemphill for the crime of Count 1: Criminal Confinement, a Class B Felony, Count 2: Battery Resulting in Serious Bodily Injury, a Class C Felony, Count 3: Intimidation, a Class C Felony, Count 4: Intimidation, a Class C Felony, and Count 5: Interference with the Reporting of a Crime, a Class A Misdemeanor. The Clerk of this Court is ordered to issue a warrant for the arrest of Willie J. Hemphill. Bail is fixed as follows: bail in the amount of \$ 150,000, cash, surety or property.

6-9-04

Date

One M. Pro Jm

Honorable Randall L. Johnson
Judge, Grant Superior Court 2

STATE OF INDIANA
COUNTY OF GRANT

)
) SS:
)

IN THE GRANT SUPERIOR COURT 2
CAUSE NUMBER: 27D02-0406-FB-69

STATE OF INDIANA

AFFIDAVIT FOR PROBABLE CAUSE

VS

WILLIE J. HEMPHILL

Count 1:
Criminal Confinement
a Class B Felony

Count 2:
Battery Resulting in Serious Bodily Injury
a Class C Felony

Count 3:
Intimidation
a Class C Felony

Count 4:
Intimidation
a Class C Felony

Count 5:
Interference with the Reporting of a Crime
a Class A Misdemeanor

FILED

JUN 09 2004

Carolyn J. Mowery
CLERK GSC 2

The undersigned, being duly sworn upon his oath, deposes and states upon information and belief that Willie J. Hemphill has committed the offense of Count 1: Criminal Confinement, a Class B Felony, Count 2: Battery Resulting in Serious Bodily Injury, a Class C Felony, Count 3: Intimidation, a Class C Felony, Count 4: Intimidation, a Class C Felony, and Count 5: Interference with the Reporting of a Crime, a Class A Misdemeanor, and in support thereof says as follows:

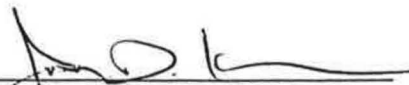
1. That your Affiant is a law enforcement officer with the Marion (IN) Police Department in charge of criminal investigations and was acting in said capacity at all times herein.
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3. [REDACTED] was interviewed by the police and her account corroborated that of her mother's. Further, the location of the lighter fluid, the condition of the phone, the blood throughout the house and the injuries observed on Jones were consistent with the description she had given of the beating. Jones required stitches to close the wound to her head and had numerous bruises that were enormous and covered a large portion of her body.
4. In 2003 Hemphill was convicted of Domestic Battery, Interference with the Reporting of a Crime and Invasion of Privacy. He was also convicted of violating probation.

WHEREFORE, your Affiant respectfully requests the Court to determine that probable cause exists for the issuance of an arrest warrant for Willie J. Hemphill for Count 1: Criminal Confinement, a Class B Felony, Count 2: Battery Resulting in Serious Bodily

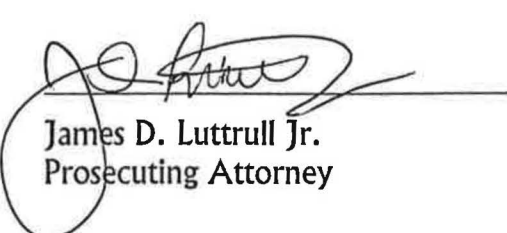
Injury, a Class C Felony, Count 3: Intimidation, a Class C Felony, Count 4: Intimidation, a Class C Felony, and Count 5: Interference with the Reporting of a Crime, a Class A Misdemeanor.



Captain Jay D. Kay
Marion Police Department

Subscribed and sworn to before me this 9th day of JUNE, 2004.

My commission expires:
December 31, 2006



James D. Luttrull Jr.
Prosecuting Attorney

APPEARANCE FORM (CRIMINAL)
State of Indiana

Case Number: 27D02-0406-FB-69

1. Name of Defendant: Willie J. Hemphill

2. Case Type of proceeding: B Felony

3. Prosecuting Attorney information:

**Name: James D. Luttrull Jr.
Grant County Prosecuting Attorney
48th Judicial Circuit
101 East 4th Street, RM. 107
Marion, IN 46952**

Attorney #10018-27

**Phone: (765) 664-0739
FAX: (765) 668-6580**

4. Will the State accept service by FAX: NO

5. Arrest report number (Originating Agency Case Number): 04-021876

Respectfully submitted,

**James D. Luttrull Jr.
Grant County Prosecuting Attorney
48th Judicial Circuit**

FILED

JUN 09 2004

Carolyn J. Mowery
CLERK GSC 2

APPEARANCE FORM (CRIMINAL)
State of Indiana

Case Number: 27D02-0406-FB-69

1. Name of Defendant: Willie J. Hemphill
2. Case Type of proceeding: B Felony
3. Prosecuting Attorney information:

Name: James D. Luttrull Jr.
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48th Judicial Circuit
101 East 4th Street, RM. 107
Marion, IN 46952

Attorney #10018-27

Phone: (765) 664-0739
FAX: (765) 668-6580

4. Will the State accept service by FAX: NO
5. Arrest report number (Originating Agency Case Number): 04-021876

Respectfully submitted,

James D. Luttrull Jr.
Grant County Prosecuting Attorney
48th Judicial Circuit

FILED

JUN 09 2004

Carolyn J. Mowery
CLERK GSC 2

FILED

JUN 10 2004

Carolyn J. Mowery
CLERK GSC 2

STATE OF INDIANA
COUNTY OF GRANT
IN THE GRANT SUPERIOR COURT NO. 2
2004 TERM

STATE OF INDIANA

VS.

CAUSE NO. 27D02-0406-FB-69

WILLIE HEMPHILL

ORDER ON INITIAL HEARING

Comes now the defendant in custody of the Sheriff of Grant County. The Court now advises defendant of his rights to counsel, his right to public-speedy trial by jury, his right to remain silent, the nature of the criminal charge, and the amount and conditions of the bond. The Court now enters a preliminary plea of not guilty upon all counts, which plea shall become a formal plea of not guilty within twenty (20) days of date hereof. Upon request of the defendant, the Court appoints Shane Beal as attorney, upon finding defendant to be an indigent person. State and defendant to meet for pretrial conference on or before July 28, 2004, and to file a written report thereof. The Court sets Omnibus date for August 4, 2004. The cause is set for trial for October 25, 2004, commencing at 1:30 p.m., as 5th choice. Defendant is remanded to the custody of the Sheriff pending posting of bond or return in open court for further proceedings. Judgment on the findings.

Dated this 10th day of June, 2004.



THOMAS R. HUNT, Judge Pro Tem
Grant Superior Court No. 2

R 10 083 '129

257477

Willie J. Hemphill

Marion, IN 46953-

9/10/71

Black/Male/510/150/Black/Brown

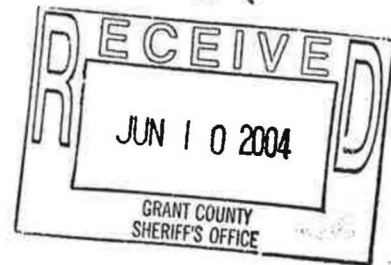
Agency Jurisdiction
Marion Police Department
Case #04-021876

CAUSE NUMBER: 27D02-0406-FB-69

ARREST WARRANT

TO:

THE SHERIFF OF GRANT COUNTY
OR
ANY LAW ENFORCEMENT OFFICER



YOU ARE HEREBY COMMANDED TO ARREST WILLIE J. HEMPHILL if he may be found in your Bailiwick, so that you have his body before the Judge of the GRANT SUPERIOR COURT 2, instanter, then and there to answer the State of Indiana on a charge(s) of COUNT 1: CRIMINAL CONFINEMENT, CLASS B FELONY; COUNT 2: BATTERY RESULTING IN SERIOUS BODILY INJURY, CLASS C FELONY; COUNT 3: INTIMIDATION, CLASS C FELONY; COUNT 4: INTIMIDATION, CLASS C FELONY AND COUNT 5: INTERFERENCE WITH THE REPORTING OF A CRIME, CLASS A MISDEMEANOR and abide the order of the Court thereon and return this writ.

Bond: \$ 150,000.00, cash, surety, property.

Witness, the Clerk and Seal of said Court, at Marion, Indiana, this 9th DAY OF June, 2004.

Carolyn J. Mowery
Carolyn J. Mowery, Clerk
Grant Superior Court 2

ROAD

06-10-04 0830 HRS

MAR 429 SUP II

STATE OF INDIANA
COUNTY OF GRANT

IN THE GRANT SUPERIOR COURT II
2004 TERM

STATE OF INDIANA,
Plaintiff

vs.

WILLIE HEMPHILL
Defendant

FILED

JUN 18 2004

CAUSE NO.27D02-0406-FB-69

MOTION FOR DISCOVERY

Comes now the Defendant in the above entitled cause by SHANE E. BEAL, Attorney at Law, and respectfully moves the Court to Order the State of Indiana to disclose to the Defendant the following material and information within its possession and control:

1. The names and last known addresses of all persons whom the State of Indiana intends to use in the prosecution of this cause of action, and the names and last known addresses of persons known to the State of Indiana to have knowledge pertinent to this cause of action but who will not be used as witnesses by the State of Indiana.
2. A copy of all written or recorded statements, memoranda and summaries of oral statements of persons whom the Prosecuting Attorney intends to call as witnesses in the prosecution of this cause of action, or by any person who has knowledge pertinent to this cause of action but who will not be used as a witness by the State of Indiana.
3. A list of criminal and juvenile records, if any, of all of the witnesses, including the defendant's whom the State plans to call to testify at trial, and a copy of all the criminal records pertaining to people interviewed by the State concerning this case.
4. Any and all written or recorded statements and the substance of any oral statements made by the Defendant herein to agents of the State of Indiana or to private individuals assisting the aforesaid authorities, including any warnings of rights read to or alleged waivers obtained from the Defendant.
5. State whether the Defendant, or any other person who participated in the alleged crime, was acting directly or indirectly to the instigation, or on behalf of the State of Indiana, or one of its agents; and, if so, state the names and addresses of said individuals.
6. State whether or not the use of an informant is in any way involved in the State's case, and if so, name the informant and specify his/her address.
7. State the names and addresses of each and every person who was present and/or who took part in, or witnessed the criminal act which the Defendant is accused of committing.
8. State fully all the overt acts in furtherance of the crime not specified in the Information, on which the prosecution intends to rely at trial.
9. State the time and place of the offense alleged in the Information.
10. A copy of the probable cause affidavit in this cause of action, and a copy of any written record or transcription of testimony at the probable cause hearing of the cause herein.
11. All written reports, notes, memoranda, maps, drawings, or diagrams written, drawn or otherwise prepared by the Prosecuting Attorney, or any other law enforcement agency or individual, in connection with or pertaining to the investigation of the crime charged against the Defendant herein.
12. True copies of all photographs which the State intends to or may offer into evidence at the trial of this cause of action, and all other photographs relevant to the subject matter of this cause of action, including any photographs of physical evidence in the State's possession.

13. All tangible or demonstrative objects, books, papers or documents which the Prosecuting Attorney will use in the hearing or trial, or which were obtained from or belonging to the accused, including that evidence which was seized at the time of the apprehension of the Defendant, with copies of search warrant(s); and, if such search was based on any alleged consent by Defendant, the circumstances in which such alleged consent was obtained.

14. Any and all reports, laboratory or otherwise, of statements of experts made in connection with this particular case, including results of physical or mental examination and of scientific tests, experiments or comparisons by any agents of the State of Indiana, or private individuals.

15. The defense requests the following information:

A. Will the State rely upon or utilize expert testimony in this case?

(1) If so, state the name of the witness, qualifications and subject of his/her testimony, and apply to the Defendant any reports or documents that he will rely upon in his/her testimony.

B. Will the State reply on prior acts or convictions of the Defendant of a similar nature as proof of knowledge, intent or common scheme or plan? If yes, please specify.

C. Whether or not the State intends to use the prior felony convictions and prior criminal record of the Defendant as an impeachment device if he testifies at the trial.

(1) If so, specify which conviction.

16. Any and all evidence in possession and control of the State of Indiana, or its agents, which may be favorable to the Defendant and material to the issue of guilt or punishment or could reasonably weaken or affect any evidence proposed to be introduced against the Defendant, or is relevant to the subject matter of this cause of action, or in any manner may aid this Defendant in the ascertainment of the truth. *Brady v. Maryland* (1963), 373 U.S. 83, 10 L.Ed.2d, 215, 83 S. Ct. 1194.

17. A statement in writing as to whether there has been any electronic surveillance of any conversation to which the Defendant was a party.

18. A statement in writing by the Prosecuting Attorney whether the defendant has:

a. Appeared in a line-up or show-up;

b. Been made to speak for identification by witnesses to the said offense;

c. Been finger printed;

d. Been photographed;

e. Had specimens of material taken from under his/her fingernails;

f. Had samples of blood, hair, breath or other materials of his/her body taken which involved an intrusion thereof;

g. Provided specimen of handwriting;

h. Submitted to physical or medical inspection of his/her body; or

i. Had his/her photograph shown to any witness to the alleged crime; and if so, a copy of such photograph and any others shown to any such witness(s).

19. A statement in writing by the Prosecuting Attorney whether hypnosis has been used or attempted to be used on any witness in the investigation of the offense charges against the Defendant.

20. Grand Jury testimony of a witness, once he has testified, *Blackburn v. State* (1973), Ind., 291 N.E.2d 686.

21. Supply a copy of any information collected by or in possession of the Prosecutor or his/her office pertaining to or informing him regarding any prospective jurors that might be called to serve in this cause.

22. Provide Defendant's counsel with the complete criminal record of all State's witnesses, and provide defendant's counsel with a statement of any juvenile charges pending against any State witness from any time on and after the inception of the investigation of this cause.

23. Provide Defendant's counsel with copies of all written or recorded statements of memoranda thereof any witnesses interviewed by agents of the State of Indiana during the course of the investigation of this cause.

24. State whether any witness' have received a promise, immunity or inducement for his testimony in this cause. If so, set forth the name of the witness, the promise, the immunity, or the inducement, and the names of all persons involved in the offering thereof.

25. Provide in detail Defendant's counsel with any evidence which the State of Indiana will attempt to place in evidence concerning uncharged misconduct of any of the witnesses, including the defendant pursuant to Rule 404 (b).

WHEREFORE, the defendant respectfully prays the Court for an order requiring the State of Indiana to disclose and produce the above information to the Defendant in writing and by filing a copy of said response with the Court, and that such disclosure and production is to be made without regard as to whether the evidence to be disclosed and produced is deemed admissible at the trial herein; and, if the State of Indiana, after complying with the information or facts which are subject to or covered by such order, the State of Indiana shall promptly notify the Court, and the Defendant, of the existence thereof.

Respectfully Submitted,

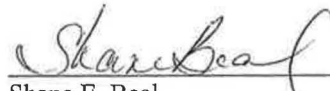


Shane E. Beal

Shane E. Beal, Attorney #19053-27
Attorney for Defendant
514 South Adams Street
Marion, Indiana 46953
Telephone: (765) 662-9903
E-Mail: Shane@Marion-Law.com

Certificate of Service

I hereby certify that a copy of the foregoing Motion for Discovery was served upon the Prosecutor by first class mail, postage prepaid, or by personal delivery this 18th day of June, 2004.



Shane E. Beal

6-18-04

To: Mr. Shane Beal Attorney **FILED**

JUN 25 2004

In the Matter of:

Carolyn J. Murray
CLERK GSC 2

State of Indiana)

In The Grant Superior

County of Grant)

SS: Court 2

VS

)

Cause No: 27D02-0406-FB-69

Willie J. Hemphill

Motion For Fast and Speedy Trial

I, Willie Hemphill would like to file for a Fast and Speedy Trial. Reason being is 6th Amendment. Furthermore All charges brought against me are from a False Report which has Ripped me away from my Family and Job.

Mr. Shane Beal would you please file the proper Motion for me a Fast and Speedy Trial without such Motion I am Just being Held Hostage with \$150,000.00 Bond or Ransom on False Charges.

Thank You For Your Time and Consideration

Signed: Willie Hemphill

Dated: June 18, 2004

STATE OF INDIANA
COUNTY OF GRANT

IN THE GRANT SUPERIOR COURT II
2004 TERM

STATE OF INDIANA
Plaintiff

FILED
JUN 25 2004

vs.

CAUSE NO. 27D02-0406-FB-69

WILLIE HEMPHILL
Defendant

Carolyn J. [Signature]
CLERK

MOTION FOR BOND REDUCTION

Comes now the Defendant, by counsel, and moves the Court for a reduction of his bond and hereby requests a hearing thereon.

WHEREFORE, the defendant prays for a reduction of his bond and asks that the matter be heard forthwith and for all other relief in the premises.

Respectfully submitted,

Shane E. Beal
Shane E. Beal, Attorney for Defendant

Shane E. Beal, Attorney #19053-27
514 South Adams Street
Marion, Indiana 46953
Telephone: (765) 662-9903

Certificate of Service

I certify that on the 26th day of June, 2004, a true and complete copy of the foregoing pleading was served upon the attorney of record by depositing same in the U.S. Mail, postage prepaid, or by personal delivery.

Shane E. Beal
Shane E. Beal

STATE OF INDIANA
COUNTY OF GRANT

IN THE GRANT SUPERIOR COURT II
2004 TERM

STATE OF INDIANA
Plaintiff

FILED
JUN 25 2004

vs.

Carolyn J. Mc...

CAUSE NO. 27D02-0406-FB-69

WILLIE HEMPHILL
Defendant

MOTION FOR BOND REDUCTION

Comes now the Defendant, by counsel, and moves the Court for a reduction of his bond and hereby requests a hearing thereon.

WHEREFORE, the defendant prays for a reduction of his bond and asks that the matter be heard forthwith and for all other relief in the premises.

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Shane E. Beal

Shane E. Beal, Attorney for Defendant

Shane E. Beal, Attorney #19053-27
514 South Adams Street
Marion, Indiana 46953
Telephone: (765) 662-9903

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Shane E. Beal

Shane E. Beal

R7 1452 374

259875

STATE OF INDIANA
COUNTY OF GRANT

IN GRANT SUPERIOR COURT II
2004 TERM

STATE OF INDIANA
Plaintiff/Petitioner

vs

CAUSE NO. 27D02-0406-FB-69

WILLIE J. HEMPHILL
Defendant/Respondent

SUBPOENA

FILED

JUL 06 2004

The State of Indiana, to the Sheriff of Grant County, Greetings:
YOU ARE HEREBY COMMANDED TO SUMMONS: Tracy Jones

Carolyn J. Mowery
CLERK, GSC

Marion IN 46952

to personally appear before the Judge of Grant Superior Court II on **July 12, 2004 at 9:00 a.m.**, then and there to testify in a certain suit now pending in said Court and herein you may not fail, at your peril, and have you then and there this writ.

WITNESS, the Clerk of said Court and seal thereof hereunto fixed at Marion, Indiana, on this 6th day of July, 2004.

Carolyn J. Mowery

Clerk of Grant County, Indiana

I HEREBY CERTIFY the above to be a true copy of the original subpoena.

Sheriff

SHERIFF'S RETURN

This subpoena came to hand on JUL 06 2004, and was served upon the within named _____

Tracy Jones, by _____

Date: 7-7-04

CORN, BRATCH, KELSAY, BEAL and WHITE
514 South Adams Street
Marion, Indiana 46953
Telephone: (765) 662-9903
Facsimile: (765) 662 -9904

Dep J Sands
379
1452

STATE OF INDIANA

IN THE GRANT SUPERIOR COURT 2

COUNTY OF GRANT, SS:

FILED

2004 TERM

STATE OF INDIANA

JUL 06 2004

-VS-

Cashy J. Mowery
CLERK GSC 1

CAUSE NUMBER: 27D02-0406-FB-69

WILLIE HEMPHILL

STATE'S NOTICE OF DISCOVERY COMPLIANCE

The State of Indiana hereby notifies the Court that it has complied with the rules of discovery in this cause as follows:

1. The following names and addresses are of the witnesses who may be called during the trial of the above cause:

- Karen Whitted- Marion PD
- Jared Reel- Marion PD
- Jeff Tomlinson- same
- Ben Caudell- same
- Nate McBee- same

2. The following are statements in the possession of the State of Indiana, which copies are attached:

- Transcribed statement of Tracy Jones
- Transcribed statement of [REDACTED]
- Transcribed statement of Willie Hemphill

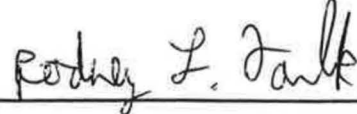
3. The following are exhibits which can be viewed at the Marion Police Department by making an appointment with: Robin Young

- Photographs
- Medical Records: contact Rodney Faulk
- Pair of black glasses
- Black telephone
- Lighter Fluid container
- Spade shovel
- Chrome pipe
- Victim's Clothing

4. The following is the prior criminal record of the Defendant:

- See INBMV, NCIC & IDACS responses

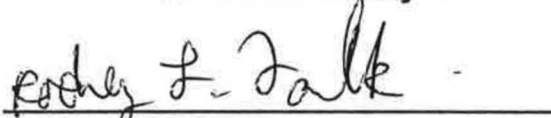
5. The State of Indiana is not in possession of any evidence, which would be favorable to said Defendant.
6. The State of Indiana respectfully objects to disclosure of additional Police reports as the Indiana Supreme Court has previously ruled that same are non-discoverable.



Rodney L. Faulk
Deputy Prosecuting Attorney
48th Judicial Circuit
Grant County Courthouse
101 E. 4th Street, RM. 107
Marion, Indiana 46952
Phone: 765-664-0739

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing was furnished to the Attorney of record for the Defendant, SHANE BEAL, by placing a copy in said counsel's mailbox in the Office of the Grant County Clerk this 6th day of July, 2004.



Rodney L. Faulk
Deputy Prosecuting Attorney

STATE OF INDIANA

IN THE GRANT SUPERIOR COURT II

COUNTY OF GRANT, SS:

2004 TERM

STATE OF INDIANA

FILED

JUL 06 2004

-VS-

CAUSE NUMBER: 27D02-0405-FB-69

WILLIE HEMPHILL

Carolyn J. Mowrey
CLERK GSC 1

STATE'S MOTION FOR DISCOVERY

Comes now the State of Indiana by its Deputy Prosecuting Attorney for the 48th Judicial Circuit and moves the Court to enter an Order requiring Defendant to furnish the following within thirty (30) days, to-wit:

1. To inform the State in writing of any defense which they or either of them intend to make at trial, or hearing, of this case (317 N.E. 2d 436).
2. To furnish, in writing, the names and last known addresses, and dates of birth, of persons they or either of them intend to call as witnesses whether for direct testimony or impeachment purposes together with copies of their relevant written or recorded statements, including memorandum reporting or summarizing their oral statements, and any record of prior criminal convictions known to the Defendant and his counsel or either of them.
3. To inform the State in writing of any expert witnesses and to permit the State to inspect and copy any photograph, any report or result, or testimony relative thereto, of physical or mental examinations, or scientific tests, experiments comparisons or any other reports or statements of experts which

defense counsel has in their possession, or control, except those portions of reports containing statements made by the Defendant if defense counsel does not intend to use any of the material contained in such report at a hearing or at trial. (317 N.E. 2d 436).

4. To list, in writing and furnish any books, papers, documents, photographs, or tangible objects they or either of them intend to use as evidence at trial, or for impeachment at the trial of this case.

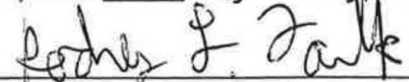
WHEREFORE, the State of Indiana moves the Court to enter an Order requiring Defendant to furnish the above information within thirty (30) days and for all other relief just and proper in the premises.



RODNEY L. FAULK
DEPUTY PROSECUTING ATTORNEY
48TH JUDICIAL CIRCUIT
Room #107, Grant County Courthouse
Marion, Indiana 46952
Phone: 765-664-0739

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing was furnished to counsel of record for the Defendant, SHANE BEAL, by delivery to said counsel's mailbox in the Office of the Grant County Clerk, this 6th day of July, 2004.



Rodney L. Faulk
Deputy Prosecuting Attorney

In The Matter of :
State of Indiana
County of Grant

1 of 2
Superior Court II
Cause: 27002-0406-FB-69

STATE OF INDIANA

- VS -

Willie Hemphill

FILED

AUG 10 2004

Carolyn J. Mowery
CLERK GSC 2

Motion To Dismiss Charges

Reason being: the charges are unjust and the Alleged Victim (Tracy Jones) has already informed the Prosecutor about the Inaccuracy's of her statement given to Police. She was under heavy influence of Alcohol and allowed words to be twisted in her statement to Police. Mrs. Jones and I had a Domestic Dispute. This Domestic Dispute was escalated when Mrs. Jones committed a Premeditated Act: left and brought a Pipe back, only then did anyone get Injured. This is very unjust to give Me 4-Felony Charges because of Her Premeditated Act and Drunken Statement. I have a 7-Month Old Son suffering while I am be held on an \$150,000.00 Bond on Troubled-up Charges. Charges which the Alleged Victim (Tracy Jones) already admitted never happened. I Have an Affidavit letter with further Explanation.

How is it possible for me to still be held on and charged such a high bond (\$150,000.00) on Charges the (Alleged Victim) - Tracy Jones has Confided to the (Prosecutor) Rodney Faulk never happened: Such as: Class-B: Criminal Confinement, 2-Class-C's: Intimidation.

According to what Mrs. Jones (Alleged Victim) told me on Friday July 16, 2004; In Conference with the Prosecutor (Rodney Faulk) She admitted that: I never forced her anywhere with weapons and that I never said I was gonna kill anybody; Therefore, how is there 3-Charges and Bonds still on my Case # 27002-0406-FB-69. Furthermore the other Class-C: Battery with Injury From Mrs Jones's Statement to Police clearly shows on Pages 4 and 5 that had not she committed a Premeditated act of leaving the house going back to the garage finding a weapon and bringing it back into the house that she didn't have Bodily Injury. On Page 4 of her statement she says that I am in the bathroom, and she calls me and not the Police. She states she's in the car with it running ready to leave: (I am not pursuing her) To much time to contact Police if situation was so dangerous you needed a weapon to go back in: This clearly shows Revenge not Defend. How can the Courts allow a Domestic Disturbance to give me 4-Battery Charges from her Premeditate Act.

Willie Hemphill 8-8-04

To Mr. St ^{re Beal} Let me know so thing?
Please Respond **FILED** ①

Mr. Rodney Faulk - Prosecutor ~~Clerk~~ 8-13-04
Mowery
CLERK GSC 2

I ; Willie Hemphill - Case No. 27D02-0406-FB-69
write to you ; Praying as A Child of God that you
Reconsider the Charges brought against me.

Tracy Jones and I lived together moved
into that house together we have a 7-Month old son
together. We had a Domestic Dispute in which
thing got Caried away by whom should be looked
at more Carefully.

In [REDACTED]'s Statement the only
Statement that is Consentant is That "I said No I'm
Not gonna Kill your Mom" which she states on Page 3
and Page 4.

Pages 2 to 5 In Tracy Jones's Statement - She can't Keep the
lie's straight in the first couple of statements. She says
she wasn't Drunk but Hospital Record or Personal will show
different. She claims I Started Arguing but she's the one
that's Jealous. She says I argue more because I don't
want to leave a Club that's Closing ; Come on IF the
Club is closed I have to leave. She says she left
all the kids home with me while she took her father
Home ; "Having No fear for the kids"

Thank You For Your Time and
Consideration. May God Bless You (2)

Friday 8-13-04

Tracy Jones goes on to twist the truth in her statement: She goes from we scuffled to I shoved her on the couch to I hit her. Then when asked if she knows where I hit her again she can't get the lie straight; she says "No I don't know then the face off the head rather" Then she says indirectly that I evidently just stopped and went to the Bathroom. (A Time Out OR Something)

While I'm in the Bathroom she doesn't try to get the kids; she doesn't try to call Police but she places a call to her Aunt for her Dad. The situation must have not been too bad? She then tells you that I came out of the Bathroom not fighting or Persuing her but she's in the car ready to leave car started still no Pursuit. So she gets out go through a hitched locked door and find a weapon comes Back into the house in her words to fight again. This Premeditated Act of Revenge; Taking the Law into her own hands caused our Domestic Dispute to get out of hand and her Injuries.

God knows the truth and I Pray you can see through the lies in Tracy's Statement and that you Reconsider the Felony Charges made-up from a Domestic Dispute.

Sign'd: Willie Thompson; Dated: Aug 13, 2004

FILED

AUG 24 2004

Superior Court - 2 Court Clerk Carolyn J. Mawry
CLERK GSC 2

I Willie Hemphill; 27D02-D406-FB-69
would like A Bond Reduction Hearing. Reason
being is that the witness statements and
the statements of the Alleged Victim shows
that at least 3 of the 5-charges against
me never happened and my \$150,000.00
should be much less. The Alleged Victim Tracy
Jones has told me that the prosecutor already
agrees that my Count 1 Criminal Confinement
is not possible as stated.

Thank; For Your Time and
Consideration!

Signed: Willie Hemphill

Dated: Aug. 18, 2004

FILED

AUG 31 2004

Carolyn J. Mowery
CLERK GSC 2

Superior Court - II ; Honorable Judge

I would like to request A Bond
Reduction Hearing on Cause No: 27D02-0406-FB-69
I would like the Alleged Victim Tracy Jones to
be present.

The reason for this request for a Second Bond
Reduction Hearing is that: The Information given
to the Prosecutor's office to Charge me with
4-Felony Charges was Fabricated by Captain
Jay Kay. The Information he gives to the Prosecutor's
office is not at all what witnesses's Statement
says; In fact it's the exact Difference.

My Constitutional Rights are being Violated
because my Bond is so high (\$150,000.00) due to
False Information; not by Alleged Victim but by
the Police Captain Jay Kay. How can I get a fair
Trial when I am not given a fair Bond. These
False Charges are Prohibiting me from a chance to talk
with my Attorney in confidentiality.

When my Trial Date Oct. 25, 2004, gets
here I will have almost 5-Months in on False Charges.

Willie Hemphill - 27D02-0406-FB-69
Aug. 30, 2004; Willie Hemphill

FILED

SEP 01 2004

Carolyn J. Mowery
CLERK GSC 2

Superior Court Clerk II ; Carolyn Mowery

I was trying to read up on my charges but the Indiana Code Statutes for my Statute Numbers have been ripped out of the Law book at the Jail; could you copy them and send them to me please? The statutes that I need are I.C. 35-42-3-3(b) (2) (A); I.C. 35-42-2-1-(a) (3); and I.C. 35-45-2-1(b) (2).

You sent me a Case Summary last time I requested these copies. The Case Summary states I was arrested on June 10, 2004 I was arrested June 8, 2004; And it states my Trial Date is Oct. 24, 2004, which is a Sunday. When I was at court I was told my Trial Date was Oct. 25, 2004.

Would you please send me these copies and correct my arrest date and Trial Date?

Thank You

Cause No: 27DA2-0406-FB-69

Willie Hemphill

8-25-04

Willie Hemphill

SEP 13 2004

Honorable Judge Johnson / Shirley B. Mowery
Willie Hemphill 27D02-0400 FB-69
CLERK GSC 2

MAY God Guide You

Shane Beal; As I recall our Motion for Bond Reduction was withdrawn because the Alleged Victim was suppose to talk with the Prosecutor the following Friday July 16th, about a Plea Bargain. She has admitted that thing did not happen the way they were printed as reason for charging me in my Information Package.

Tracy Jones also admitted in her statement to bring the Deadly Weapon (4" Pipe) Back Into the House and used it first after calling her Aunt's house not the Police and then sitting in her car Deliberating on the Idea of finding and using this Deadly Weapon (4" Pipe); therefore how is it that I have been given Total responsibility for the Weapon (Pipe) that she left the scene and return with to use. This Premeditated act by her Caused her Injury and brought a Weapon into our minor Scuffle.

I feel I have been overcharged in this matter due to the fact that she brought the weapon Back Into the House to use. However I am willing to change my Plea for a lesser battery Charge. I truly regret what happened but I cannot accept responsibility for Tracy bringing a Weapon back to a Minor Scuffle.

Willie Hemphill

Mrs. Carolyn Mowery - Please Forward Copies
To My Attorney Shava Earl and the court

To: Superior Court - II; Judge and Prosecutors
FILED Willie Hemphill; 27D02 Carolyn J. Mowery
SEP 15 2004-69
CLERK GSC 2

SEP 14 2004

Carolyn J. Mowery
CLERK GSC 2
I; Willie Hemphill would like to request
a Deposition. My charges have been
totally fabricated by Captain Jay Kay
The eyewitnesses state exact opposite as what
he gives as reason or information to charge.
Me and my Momma for over 3-years had
a Domestic Dispute. We have a child
together; we moved into this residence together
and we had a simple Domestic Dispute.

Our Domestic Dispute got a little out
of hand when she left the house and
returned with a knife (Weapon); The one that
I am facing 4-Felony Charges for; Domestic
is Domestic.

I have already done over 90-Days
on this Domestic Dispute under \$150,000.00
Bond which is impossible for me to make.
Therefore; I would like a Deposition as soon
as possible to lift these fabricated charges
and End off me.

Thank You; May God Be With You

Date; Sept. 13, 2004 / Signed: Willie Hemphill

STATE OF INDIANA

IN THE GRANT SUPERIOR COURT II

COUNTY OF GRANT

2004 TERM

STATE OF INDIANA,
Plaintiff

vs.

CAUSE NO. 27D02-0406-FB-69

WILLIE J. HEMPHILL
Defendant

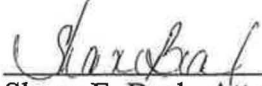
MOTION TO CONTINUE

Comes now the Defendant, by counsel, Shane E. Beal, and respectfully requests the Court for a continuance in this matter for the following reasons:

1. That there is a Jury Trial currently set for October 25, 2004.
2. That Counsel for Defendant will be leaving on a previously scheduled vacation on 10/26/04.
3. That Counsel for Plaintiff does not object to said continuance.

WHEREFORE, Defendant, by counsel, prays the Court for a continuance in this matter and for all other appropriate relief just and proper in the premises.

514 South Adams Street
Marion, Indiana 46953
Telephone: (765) 662-9903


Shane E. Beal, Attorney #19053-27

Certificate of Service

I certify that on the 12th day of October, 2004, service of a true and complete copy of the foregoing pleading was made upon each attorney of record herein.


Shane E. Beal

270124

STATE OF INDIANA
COUNTY OF GRANT

IN THE GRANT SUPERIOR COURT II
2004 TERM

CO 9 0729 191
Door

STATE OF INDIANA,
Plaintiff

vs.

CAUSE NO. 27D02-0406-FB-69

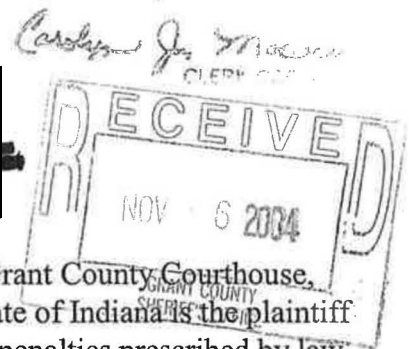
WILLIE J. HEMPHILL
Defendant

SUBPOENA

FILED

NOV 05 2004

STATE OF INDIANA, GRANT COUNTY, sct:
To the Sheriff of Grant County, Greetings:
You are hereby commanded to summon:



to appear at his/her deposition on **December 10, 2004 at 1:30 p.m.** at the Grant County Courthouse,
Grant Superior Court II, Marion, Indiana in the above cause wherein the State of Indiana is the plaintiff
and Willie J. Hemphill, the defendant, and this you shall not omit under the penalties prescribed by law.
Hereof make due service and return.

Submitted under my hand as counsel of record, pursuant to Trial Rule 45 (2) of the Indiana Rules of
Procedure, this 3rd day of November, 2004.

Shane E. Beal

Shane E. Beal, Attorney #19053-27
Attorney for Defendant
514 South Adams Street
Marion, Indiana 46953
Telephone: (765) 662-9903

Return of Service

This Subpoena came to hand on 11-6-04, and I served same:

- (1) By delivering a copy to _____, personally on _____.
(2) By leaving a copy with a person of suitable age and discretion residing therein, namely:
_____ and by mailing a copy at his/her last known address.

Door
11904
M. Moore
11904

Catherine E. Archey

Sheriff

By: _____

STATE OF INDIANA
COUNTY OF GRANT

STATE OF INDIANA,
Plaintiff

vs.

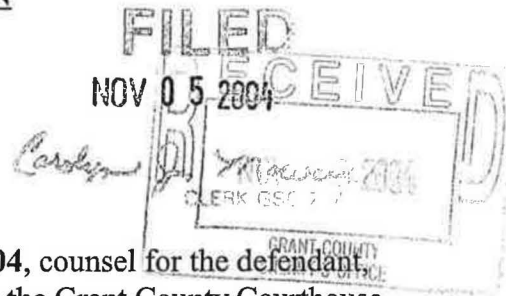
WILLIE J. HEMPHILL
Defendant

270150
IN THE GRANT SUPERIOR COURT III
2004 TERM
mc 9 0729 191
Dook

CAUSE NO. 27D02-0406-FB-69

NOTICE OF TAKING DEPOSITION

TO: Tracy Jones
[REDACTED]



Please take notice that commencing at 1:30 p.m. on December 10, 2004, counsel for the defendant, Willie J. Hemphill, will take the deposition of [REDACTED] at the Grant County Courthouse, Grant Superior Court II, Marion, Indiana, pursuant to the Indiana Trial Rules and before a court reporter. Such deposition will continue from day to day until completed and you are hereby notified to appear and take part in such examination.

Dated this 3rd day of November, 2004.

A handwritten signature in cursive script, reading "Shane E. Beal".

Shane E. Beal, Attorney #19053-27
Attorney for Defendant
514 South Adams Street
Marion, Indiana 46953
Telephone: (765) 662-9903

Certificate of Service

I hereby certify that on the 3rd day of November, 2004, a true and complete copy of the foregoing pleading was served upon the attorney of record by first class US mail with proper postage affixed or by personal service.

A handwritten signature in cursive script, reading "Shane E. Beal".

Shane E. Beal

STATE OF INDIANA
COUNTY OF GRANT

270149
IN THE GRANT SUPERIOR COURT III
2004 TERM

mc 9 0729 191
Door

STATE OF INDIANA,
Plaintiff

vs.

CAUSE NO. 27D02-0406-FB-69

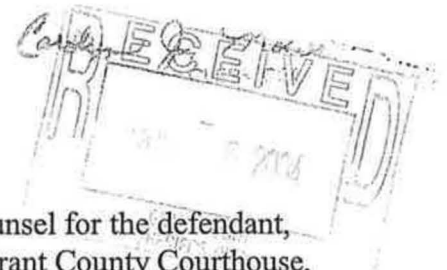
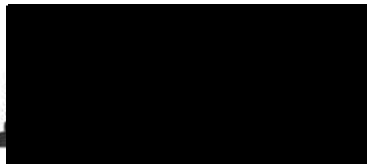
WILLIE J. HEMPHILL
Defendant

NOTICE OF TAKING DEPOSITION

FILED

NOV 05 2004

TO:



Please take notice that commencing at 1:30 p.m. on December 10, 2004, counsel for the defendant, Willie J. Hemphill, will take the deposition of [REDACTED] at the Grant County Courthouse, Grant Superior Court II, Marion, Indiana, pursuant to the Indiana Trial Rules and before a court reporter. Such deposition will continue from day to day until completed and you are hereby notified to appear and take part in such examination.

Dated this 3rd day of November, 2004.

Shane E. Beal, Attorney #19053-27
Attorney for Defendant
514 South Adams Street
Marion, Indiana 46953

Certificate of Service

I hereby certify that on the 3rd day of November, 2004, a true and complete copy of the foregoing pleading was served upon the attorney of record by first class US mail with proper postage affixed or by personal service.

Shane E. Beal

STATE OF INDIANA
COUNTY OF GRANT

IN THE GRANT SUPERIOR COURT II
2004 TERM

STATE OF INDIANA,
Plaintiff

vs.

CAUSE NO. 27D02-0406-FB-69

WILLIE J. HEMPHILL
Defendant

SUBPOENA

STATE OF INDIANA, GRANT COUNTY, sct:
To the Sheriff of Grant County, Greetings:
You are hereby commanded to summon:

Tracy Jones

to appear at his/her deposition on **December 10, 2004 at 2:00 p.m.** at the Grant County Courthouse,
Grant Superior Court II, Marion, Indiana in the above cause wherein the State of Indiana is the plaintiff
and Willie J. Hemphill, the defendant, and this you shall not omit under the penalties prescribed by law.
Hereof make due service and return.

Submitted under my hand as counsel of record, pursuant to Trial Rule 45 (2) of the Indiana Rules of
Procedure, this 3rd day of November, 2004.

Shane E. Beal

Shane E. Beal, Attorney #19053-27
Attorney for Defendant
514 South Adams Street
Marion, Indiana 46953
Telephone: (765) 662-9903

Return of Service

This Subpoena came to hand on 11-6-04, and I served same:

(1) By delivering a copy to _____, personally on _____.

(2) By leaving a copy with a person of suitable age and discretion residing therein, namely:
Dee, and by mailing a copy at his/her last known address.

M. Jones 191
11904

(729)

Ontario E. Archey

Sheriff

By: _____

270125

Co 9 0729 191
Doof

FILED

NOV 05 2004

RECEIVED

STATE OF INDIANA
COUNTY OF GRANT

IN THE GRANT SUPERIOR COURT II
2004 TERM

STATE OF INDIANA,
Plaintiff

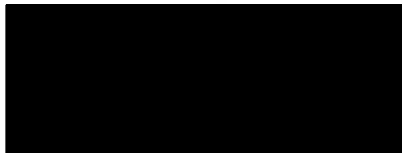
vs.

CAUSE NO. 27D02-0406-FB-69

WILLIE J. HEMPHILL
Defendant

SUBPOENA

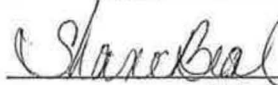
STATE OF INDIANA, GRANT COUNTY, sct:
To the Sheriff of Grant County, Greetings:
You are hereby commanded to summon:



FILED
NOV 05 2004
Carolyn J. [Signature]
CLERK OF COURT

to appear at his/her deposition on **December 10, 2004 at 1:30 p.m.** at the Grant County Courthouse,
Grant Superior Court II, Marion, Indiana in the above cause wherein the State of Indiana is the plaintiff
and Willie J. Hemphill, the defendant, and this you shall not omit under the penalties prescribed by law.
Hereof make due service and return.

Submitted under my hand as counsel of record, pursuant to Trial Rule 45 (2) of the Indiana Rules of
Procedure, this 3rd day of November, 2004.



Shane E. Beal, Attorney #19053-27
Attorney for Defendant
514 South Adams Street
Marion, Indiana 46953
Telephone: (765) 662-9903

Return of Service

This Subpoena came to hand on _____, and I served same:

- (1) By delivering a copy to _____, personally on _____.
(2) By leaving a copy with a person of suitable age and discretion residing therein, namely:
_____, and by mailing a copy at his/her last known address.

Sheriff

By: _____

STATE OF INDIANA
COUNTY OF GRANT

IN THE GRANT SUPERIOR COURT III
2004 TERM

STATE OF INDIANA,
Plaintiff

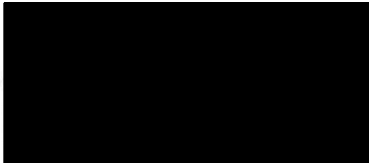
vs.

CAUSE NO. 27D02-0406-FB-69

WILLIE J. HEMPHILL
Defendant

NOTICE OF TAKING DEPOSITION

TO:



FILED

NOV 05 2004

Cecilia J. Moore
CLERK

Please take notice that commencing at **1:30 p.m. on December 10, 2004**, counsel for the defendant, Willie J. Hemphill, will take the deposition of [REDACTED] at the Grant County Courthouse, Grant Superior Court II, Marion, Indiana, pursuant to the Indiana Trial Rules and before a court reporter. Such deposition will continue from day to day until completed and you are hereby notified to appear and take part in such examination.

Dated this 3rd day of November, 2004.

A handwritten signature in cursive script, reading "Shane E. Beal", written over a horizontal line.

Shane E. Beal, Attorney #19053-27
Attorney for Defendant
514 South Adams Street
Marion, Indiana 46953
Telephone: (765) 662-9903

Certificate of Service

I hereby certify that on the 3rd day of November, 2004, a true and complete copy of the foregoing pleading was served upon the attorney of record by first class US mail with proper postage affixed or by personal service.

A handwritten signature in cursive script, reading "Shane E. Beal", written over a horizontal line.

Shane E. Beal

STATE OF INDIANA
COUNTY OF GRANT

IN THE GRANT SUPERIOR COURT II
2004 TERM

STATE OF INDIANA,
Plaintiff

vs.

CAUSE NO. 27D02-0406-FB-69

WILLIE J. HEMPHILL
Defendant

SUBPOENA

FILED

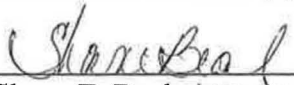
NOV 05 2004

STATE OF INDIANA, GRANT COUNTY, sct:
To the Sheriff of Grant County, Greetings:
You are hereby commanded to summon:

Tracy Jones


to appear at his/her deposition on **December 10, 2004 at 2:00 p.m.** at the Grant County Courthouse,
Grant Superior Court II, Marion, Indiana in the above cause wherein the State of Indiana is the plaintiff
and Willie J. Hemphill, the defendant, and this you shall not omit under the penalties prescribed by law.
Hereof make due service and return.

Submitted under my hand as counsel of record, pursuant to Trial Rule 45 (2) of the Indiana Rules of
Procedure, this 3rd day of November, 2004.


Shane E. Beal, Attorney #19053-27
Attorney for Defendant
514 South Adams Street
Marion, Indiana 46953
Telephone: (765) 662-9903

Return of Service

This Subpoena came to hand on _____, and I served same:

- (1) By delivering a copy to _____, personally on _____.
(2) By leaving a copy with a person of suitable age and discretion residing therein, namely:
_____, and by mailing a copy at his/her last known address.

By: _____

Sheriff

STATE OF INDIANA
COUNTY OF GRANT

IN THE GRANT SUPERIOR COURT III
2004 TERM

STATE OF INDIANA,
Plaintiff

vs.

CAUSE NO. 27D02-0406-FB-69


WILLIE J. HEMPHILL
Defendant

NOTICE OF TAKING DEPOSITION

TO: Tracy Jones


FILED
NOV 05 2004

Carolyn J. Moore

Please take notice that commencing at **1:30 p.m. on December 10, 2004**, counsel for the defendant, Willie J. Hemphill, will take the deposition of  at the Grant County Courthouse, Grant Superior Court II, Marion, Indiana, pursuant to the Indiana Trial Rules and before a court reporter. Such deposition will continue from day to day until completed and you are hereby notified to appear and take part in such examination.

Dated this 3rd day of November, 2004.

Shane E. Beal

Shane E. Beal, Attorney #19053-27
Attorney for Defendant
514 South Adams Street
Marion, Indiana 46953
Telephone: (765) 662-9903

Certificate of Service

I hereby certify that on the 3rd day of November, 2004, a true and complete copy of the foregoing pleading was served upon the attorney of record by first class US mail with proper postage affixed or by personal service.

Shane E. Beal
Shane E. Beal

DEC 02 2004

To: The Judge

To: Shane Beal; Attorney ^{Carol J. Mowery}
CLERK GSC 2

12-1-04

First of all I am astounded and find it very disturbing that you had my Oct. 25, 2004, Trial Date Continued; knowing I requested a Fast and Speedy Trial in June of 2004. I have written you so many letters as to how my Charges are Fabricated in the Information to the Prosecutor's Office and the Judge; How the Statement's already given by the witnesses and Alleged Victims Differ from what Captain Jay Kay Presented to the Courts.

I object to any more Continuances in my case. I have some very important things I need to discuss with you concerning my case that I don't want to tell everybody's Investigator. I need a visit from my Attorney hopefully before my Deposition Dec. 10, 2004; I have information that is extremely vital for the Deposition.

I am Eagerly Awaiting your Visit!

Cause No: 27002-0406-FB-69

Your Client: Willie Hemphill

Signed: Willie Hemphill

Dated: December 1, 2004

P.S. I am not Guilty of any of the Felony Charges; I was being Attacked!

*The Honorable Judge Johnson
TO: Prosecutor: Rodney Faulk
Attorney: Shane Beal

1 of 2
0704FB69
12-8-04

FILED

DEC 10 2004

I have been held for 6 Months now on
False Information Presented to the ^{Carolyn J. Mawney} _{CLERK GSO 2} Prosecutor's
office with an Extremely high bond of \$150,000.00.

The Probable Cause or Information Presented
to the Courts is False; which means I am being
Falsely Imprisoned on the Charges. I am being
denied a fair Bond and/or opportunity for a fair
Trial.

I am aware that the Courts, Prosecutor's and
my Attorney have copies of the statements given by
the Alleged Victim and Witness's that Directly
Discredit the Felony Charges that Falsely Imprisons
me.

If you would be so kind as to review the
Following Page which Refers to Pages and Actual
Statements made by the Alleged Victim and Witness's
I that you will see that I have been
over charged for a Domestic Dispute.

I should have Time served Today. In custody since June 8th

I am Truly Sorry for Any Damage Done; But
the Circumstances were Just not the way
the Newspaper Nor Capt. Jay Kay Presented them.

Willie Hemphill / 27D02-0406-FB-69
Signed: Willie Hemphill / Dated: Dec. 8, 2004

12-8-04

Willie Hemphill

27D02-0406-FB-69

Tracy's Statements P. 3, 4, 5, & 6

Count-1 / How do you Justify Grounds of Probable Cause for: Criminal Confinement? When the Alleged Victim P. and Witness states that she left the house and returned 3+4 on her own free will and states that I tried to drag or take her to get some help but I let her go and Left P. 5+6

Tracy Statements P. 3+4

Count-2 / How do you Justify Grounds of Probable Cause for: Knowingly Battering to result in Injury? When the Alleged Victim and Witness states that she returned (Came back to the Garage and then came back to the house) Separate Buildings to find a weapon and assault me with it first after a minor scuffle was over. A scuffle that didn't involve kids, weapons, nor injury. Once she left our house without hinderance or Pursuit there was no Imminent Danger or Lawful reason for her to return with weapons, for premeditated Attack which resulted in her Injury. P. 3+4 T. J.

Angelique's statements P. 2+4

Counts-3+4 / How do you Justify Grounds of Probable Cause for Intimidation (Threatening to Kill)? When Alleged Victim and Witness states that I said "No I am not going to kill" P. 2+4 P. J.

Signed: Willie Hemphill / Dated: Dec. 8, 2004

To: Court Clerk; Superior Court - II 1-14-05

I strongly object to any continuance on my case. Would you please send me A Chronological Case Summary for Cause No: 27D02-0406-FB-69

FILED

JAN 19 2005

Cathy J. Mowery
CLERK GSC 2

Also I have not yet received a full Motion of Discovery as stated in my last case summary. Please inform the Judge and Prosecutor?

Since June 8, 2004

I have been in custody for over 7-Months waiting for A Full Motion of Discovery and A Trial to Prove that I Am Not Guilty of the charges I Face but My Right to Due Process is not being upheld.

Willie Hemphill 27D02-0406-FB-69

Signed: Willie Hemphill

Dated: January 14, 2005



P.S. There is A Lack of Communication between My Attorney Shane Beal and me !!!

Cathy Lee

1-14-05

Superior Court - II

To: Honorable Judge Randall Johnson
Chief Public Defender; Robert Rittman

1-25-05

On January 18, 2005; Officer Jeff Little informed me that I ~~could~~ call my Attorney Shane Beal. Jeff Little stated that My Attorney Shane Beal threaten to file Criminal Charges Against me if I called his Office again. There is Lack of Communication!

This is A Clear Conflict of Interest between Client and Attorney I ask that Shane Beal be removed from my case.

Client: Willie Hemphill
Cause No: 27002-0406-FB-69

Signed: Willie Hemphill

Dated: January 25, 2005

P.S. Out of near 8-Months of Incarceration my Attorney; Shane Beal has not visited or sat and talked with me about my case; yet on Jan. 10th, 2005; He had me scheduled to Plead Guilty and I have not seen a full Discovery Motion.

To: The Superior Court IL:CL **FILED**

and

To: Attorney: Shane Beal

MAR 14 2005

3-9-05
CLERK GSC 2

This is to Notify Superior Court officers and My Attorney Shane Beal; that I am Requesting a Supreme Court Disciplinary Investigation. I have written the Court Clerk, Judge and My Attorney Shane Beal trying to resolve my problem with my Right to Counsel and the Misconduct of My Attorney Shane Beal -
19053-27

Client: Willie Hemphill
Cause No: 27002-0406-FB-69

Signed: Willie Hemphill

Dated: March 7, 2005

RE EST FOR INVESTIGATION

1 of 2

Willie Hemphill

Name (Please type or print in ink)

214 E. 4th Street

Address

Marion, IN 46952

State/Zip

765 668-2168

Telephone



Return to:

Indiana Supreme Court Disciplinary Commission
115 West Washington Street, Suite 1165 South
Indianapolis, IN 46204
Phone (317) 232-1807
TDD for Deaf (317) 233-6111

wish to submit the following Request for Investigation and information concerning the following attorney:

Attorney's Name Shane Beal 19053-27

Attorney's Address 141 S. Adams - Marion, IN 46953

Date Employed June 10, 2005 Purpose for Employing Court Appointed in Criminal Case

Cause Number of Case 27002-0406-FB-69 Court Grant County Superior Court II

Agreed Attorney's Fee State Fee Total Fees Paid State Fee

Nature of complaint against the attorney (use additional pages if necessary; do not write on the back). Please be specific as to dates, names, and events. Include copies (not originals) of documents that support your complaint:

My Attorney; Shane Beal is denying me Due Process and Right to Counsel. He is mishandling my Case by way of Prejudice and Partiality. In June of 2004, I requested A Fast and Speedy Trial by letter And to Shane's Investigator Mike Wright, Which Shane Ignored. Shane Post-Poned my Oct. 25, 2004; Trial Date without any talk with me. Shane has since Post-Poned Deposition and refuses to Depose the Police that lied to the Prosecutor's office for Probable Cause. Shane is withholding Information from me about my Case - Motion of Discovery in it's entirety. I asked him for Prints and blood or Skin Samples of an Alleged weapon in A letter; No Response. He refuses my Calls and even Made threat known to the Grant County Jail (Off. Jeff Little) that he would press Criminal Charges against me if I tried to call him again. Shane Beal has not once spoken to me about the Negatives or Positives of my Case in almost 3 Months; But on Jan 10, 2005; he had me Scheduled to Plead Guilty in Superior Court - II

He Also Refused my Request for A Bond Reduction after 6 Months

LACK of Communication!

In filing this Request for Investigation, I understand that the attorney will receive a copy; that I am immune from civil suit for statements I make without malice to the Commission; and that nothing herein limits me from consulting with an attorney about my legal rights. I agree to cooperate with the Commission and to testify at any hearing that may be held.

VERIFICATION

I swear or affirm, under the penalties for perjury, that the foregoing statements are true.

Attached Page

Willie Hemphill

Signature (only original signatures accepted)

March 9, 2005

Date

Date Filed (Office use only)

(version 1.1.04)

(2 of 2)

Request For Investigation

3-7-05

Shane Beal has been withdrawing Motions and Continuing Court dates against my wishes. Shane Beal refuses to file any Motion or request if his Case load is so heavy that he can not handle my Case in 9-Months why and How can he continue to accept cases and put me further and further back. The emotional stress he is causing me is Cruel and Unusual Punishment and Unprofessional.

Please Help Me With This Injustice!

Signed: Willie Thompson

Dated: March 9 2005

P.S. Where is my Right to Trial within 6-Months or 1-year? Criminal Rule 41

STATE OF INDIANA
COUNTY OF GRANT
IN THE GRANT SUPERIOR COURT NO. 2
2005 TERM

FILED

MAR 17 2005

Cassidy J. Mowery
CLERK GSC 2

STATE OF INDIANA

VS.

CAUSE NO. 27D02-0406-FB-69

WILLIE HEMPHILL

ORDER ON CONGESTION

This matter was set for Jury Trial on March 7, 2005. This cause could not be tried, and must be continued because of congestion of the Court's calendar pursuant to Rule 4(a) of Indiana Rules of Criminal Procedures, as the Court was trying State of Indiana vs. John Henry Ray, 27D02-0407-FB-84. This matter shall be set for trial by jury on August 1, 2005, commencing at 1:30 p.m.. Notice Ordered.

DATED THIS 7th day of March, 2005.



RANDALL L. JOHNSON, Judge
Grant Superior Court No. 2.

FILED

MAR 29 2005

Carolyn J. Mowery
CLERK GSCDate March 28 2005To: Superior Court 2 Grant County ClerkRE: MOTION FOR FAST AND SPEEDY TRIALSTATE OF INDIANA vs. Willie J. HemphillCAUSE NO. 27002-D406-FB-69Dear Clerk, Carolyn Mowery

Please find enclosed an original and ~~one~~ ^{three} copies of my pro se,
APPEARANCE and MOTION FOR FAST AND SPEEDY TRIAL.

Please file the enclosed pleadings with the court and return a file-
marked copy of each for my records.



Sincerely,

Willie J. Hemphill

STATE OF INDIANA) IN THE GRANT COUNTY
) SS: SUPERIOR COURT - 2
COUNTY OF GRANT)

STATE OF INDIANA,)
Plaintiff,)

vs.)

Cause No. 27002-D406-FB-69

Willie J. Hemphill)
Defendant.)

NOTICE FOR ENTRY OF APPEARANCE

Comes now the Defendant, Willie Hemphill, pro se and without the assistance of counsel and respectfully notifies this court to enter his pro se, appearance. Which may be just and proper pursuant to **Indiana Trial Rule 3.1 and Criminal Rule 2.1** of Indiana Rules of Court, and in support states the following:

- 1.) The Defendant's full name is Willie J. Hemphill.
- 2.) The pro se Defendant's address is 214 East 4th Street
Marion, IN 46952
- 3.) The Defendant will not accept service in this case by FAX and is unable to obtain the assistance of counsel to represent him in this criminal matter at this time.



Cathy D. Lee

Willie J. Hemphill
Defendant, pro se

STATE OF INDIANA)
)
 COUNTY OF GRANT) SS:

IN THE GRANT COUNTY
SUPERIOR COURT - 2

STATE OF INDIANA,)
 Plaintiff,)

vs.)

Cause No. 27002-0406-FB-69

Willie J. Hemphill,)
 Defendant.)

MOTION FOR A FAST AND SPEEDY TRIAL

Comes now the Defendant, Willie J. Hemphill, pro se and without counsel and respectfully moves this Honorable Court for a fast and speedy trial pursuant to Criminal Rule § 4(B) of the Indiana Rules of Court and the Sixth Amendment of the United States Constitution, and in support states the following:

- 1.) Willie J. Hemphill is the Defendant in the above captioned cause of action.
- 2.) That on the 9th Day of June, 2004, the State of Indiana filed Case No. MPD # 04-021876 against the defendant.

Cause No. 27002-0406-FB-69



Cathy Lee

WHEREFORE, the Defendant prays that this Honorable Court GRANTS this
MOTION FOR FAST AND SPEEDY TRIAL and any other just and proper relief in
the premises.

Respectfully submitted,

Wilho J. Humphill
pro se

Inmate # 18238 DORM 2-C
Grant County Jail
214 East 4th Street
Marion, IN 46952

CERTIFICATE OF SERVICE

I do hereby certify that a copy of the foregoing has been duly served upon all
parties of record listed below by United State mail, first-class postage prepaid on this

28 day of MARCH, 2005:

To: Superior Court - 2 Clerk; Carolyn Mowery
Deputy Prosecutor; Rodney Faulk 19728-27
Honorable Judge Randall L. Johnson
Attorney; Shane Beal 19053-27



Cathy D. Leffert

Wilho J. Humphill
pro se

STATE OF INDIANA
COUNTY OF GRANT
IN THE GRANT SUPERIOR COURT NO. 2
2004 TERM

FILED

APR 11 2005



Carolyn J. Mowery
CLERK GSC 2

State

DATE:

4-11-05

VS.

Willie Hemphill

CAUSE NO.:

27002 - 0406 - FB-69

THE CLERK WILL PLEASE ENTER THE FOLLOWING MINUTES:

*Comes now the
pro se and by court appointed counsel and
respectfully objects to the Court setting this matter for
trial on 8-1-05 as it is outside the time limits prescribed
by CR 4 and
refers out to 3-28-05
entry for
Mr. Hemphill
appearance.*

APPROVED:

*entry for
Mr. Hemphill
appearance.*

ATTY FOR

N/A

HOW LONG WILL HEARING TAKE

N/A

Willie Hemphill

is pro se

RANDALL L. JOHNSON, Judge
Grant Superior Court No. 2

To: Honorable Judge Johnson
Prosecutor Rodney Faulk
Attorney
Willie Hemphill

FILED

APR 11 2004 4-11-05

27002-0706 Carolyn J. Mowery
CLERK GSC 2

The Basis of the Probable Cause that Imprison me are Refuted by the Alleged Victim and witnesses Statements. Once Mrs. Tracy Jones (Alleged Victim) Admitted to having a chance to call the Police and to leaving without hindrance or Pursuit our Domestic Scuffle was officially over; When Tracy Jones (Alleged Victim) Decided to take the Law into her own hands or Seek Revenge she was not A Victim but the Aggressor, She became the Aggressor by the specific Act of Premeditation - Leaving searching for A Weapon (1ft. Pipe) and returning to Threaten and Assault me with malice Intent to Chastise or Whip me with it; which was Unlawful for her to do; And by her doing so she Put herself at risk (Not Duress) and gave me legal Right to do whatever needed to stop her Dangerous Attack I Truly Regret that by the time I recollected myself and stopped myself that someone had gotten hurt; But by Law I was Justified to use force to stop her from Attacking me with A Weapon (1ft. Pipe) that she was Bearing against me.

I May be Guilty of A Domestic Scuffle; But We all Know that Once A Person leaves a Scuffle and Bullying the Scuffle took Place; It is Unlawful to Return with a Weapon (1ft Pipe). How can the Courts Neglect her Wrong Doings; Yet Prosecute me for Resisting her Dangerous Attack?

Signed: Willie Hemphill

STATE OF INDIANA
COUNTY OF GRANT
IN THE GRANT SUPERIOR COURT NO. 2
2005 TERM

FILED

APR 18 2005

Cassidy J. Mowery
CLERK GSC 2

STATE OF INDIANA

vs.

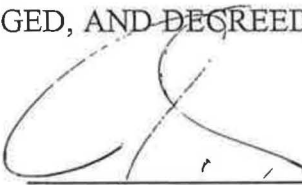
CAUSE NO. 27D02-0406-FB-69

WILLIE HEMPHILL

ORDER

Comes now State of Indiana by Rodney Faulk. Comes now the defendant in custody together with his counsel, Shane Beal. The Court informs defendant that Pro Se filings while retaining counsel are not read by the Court. Defendant requests Shane Beal be removed from his case due to the fact that defendant filed disciplinary action against Mr. Beal. The Court grants defendant's request and now directs the Public Defender Board to appoint counsel for defendant.

ALL OF WHICH IS ORDERED, ADJUDGED, AND DECREED THIS 18TH DAY OF APRIL, 2005.



RANDALL L. JOHNSON, Judge
Grant Superior Court No. 2

5-10 FILED

MAY 11 2005

Dear; Court Clerk; Mrs. Carolyn Mowery

Carolyn J. Mowery
CLERK GSC 2

I recieved your Response to search the
Library for a Motion to Dismiss Counsel; However
Grant County Jail does not have a Law Library
in operation. Would you Please send me A
Copy of a Motion to Dismiss Counsel or the
State Statues Number and Criminal Rule Numbers

If you can not furnish me with this
Information; Please Send me A Filed Copy
of this Request back; Because I will need
Proof that I had Ineffictive Counsel when
I ask for A Mistrial or An Appeal.

Bruce Elliott and I have a Major Conflict
of Interest and there is no way I can
have a fair Trial with Bruce Elliott
Representing me.

Willie Hemphill - 27002-0406-FB-69

Signed: Willie Hemphill

Dated: May 10, 2005.

FILED

STATE OF INDIANA

IN THE GRANT SUPERIOR COURT #12

COUNTY OF GRANT, SS:

2005 TERM

Reidyn J. Moway
CLERK GCS 1

STATE OF INDIANA,
Plaintiff

vs

CAUSE NO. 27D01-0406-FB-69

WILLIE J. HEMPHILL,
Defendant

MOTION FOR SPEEDY TRIAL

The Defendant, WILLIE J. HEMPHILL, by counsel, and respectfully requests this court for a speedy trial.

WHEREFORE, the Defendant requests this Court to set this matter for a speedy trial.

Bruce N. Elliott

BRUCE N. ELLIOTT, #11546-49
Attorney for Defendant
605 South Washington St.
Marion, Indiana 46953
Phone: (765) 664-6251
Fax: (765) 664-6253

CERTIFICATE OF SERVICE

I certify that on the 17th day of May, 2005, service of a true and complete copy of the above and foregoing pleading or paper was made upon each party or attorney of record herein.

Bruce N. Elliott

BRUCE N. ELLIOTT

STATE OF INDIANA)
COUNTY OF Grant)

IN THE GRANT COUNTY
SUPERIOR COURT -2

SS:

FILED

MAY 26 2005

Carolyn J. Mowery
CLERK GSC 2

STATE OF INDIANA,)
Plaintiff,)

vs.)

Cause No. 27D02-0406-FB-69

Willie J. Hemphill)
Defendant.)

NOTICE FOR ENTRY OF APPEARANCE

Comes now the Defendant, Willie Hemphill, pro se and without the assistance of counsel and respectfully notifies this court to enter his pro se, appearance. Which may be just and proper pursuant to **Indiana Trial Rule 3.1 and Criminal Rule 2.1 of Indiana Rules of Court**, and in support states the following:

- 1.) The Defendant's full name is Willie J. Hemphill
- 2.) The pro se Defendant's address is 214 East 4th Street
MAAION, IN 46952
- 3.) The Defendant will not accept service in this case by FAX and is unable to obtain the assistance of counsel to represent him in this criminal matter at this time.

Willie J. Hemphill
Defendant, pro se

CERTIFICATE OF SERVICE

I, Willie J. Humphill, hereby certify that a true and correct copy of the foregoing Notice For Entry of Appearance was served upon the Grant County Superior Court - 2, Prosecutor; Rodney Faulk, and Attorney; Bruce Elliot whose address is 104 East 4th Street, Marion, IN 46952 by depositing copy of same in the United States Postal System, with the appropriate postage affixed, prepaid on this 25 day of May 2005.



Cathy Lee

Willie J. Humphill, pro se

STATE OF INDIANA)
COUNTY OF Grant)

IN THE GRANT COUNTY
SUPERIOR COURT - 2

FILED

MAY 26 2005

STATE OF INDIANA,)
Plaintiff,)

vs.)

Cause No. 27D02-0100-18769

Willie J. Hemphill)
Defendant.)

NOTICE FOR ENTRY OF APPEARANCE

Comes now the Defendant, Willie Hemphill, pro se and without the assistance of counsel and respectfully notifies this court to enter his pro se, appearance. Which may be just and proper pursuant to **Indiana Trial Rule 3.1 and Criminal Rule 2.1 of Indiana Rules of Court**, and in support states the following:

- 1.) The Defendant's full name is Willie J. Hemphill
- 2.) The pro se Defendant's address is 214 East 4th Street
MARIETTA IN 46952
- 3.) The Defendant will not accept service in this case by FAX and is unable to obtain the assistance of counsel to represent him in this criminal matter at this time.

Willie J. Hemphill
Defendant, pro se

CERTIFICATE OF SERVICE

I, Willie J. Hemphill, hereby certify that a true and correct copy of the foregoing Notice For Entry of Appearance was served upon the Grant County Superior Court - 2, Prosecutor; Rodney Faulk, and Attorney; Bruce Elliot whose address is 104 East 4th Street, Marion, IN 46952 by depositing copy of same in the United States Postal System, with the appropriate postage affixed, prepaid on this 25 day of May 2005.

Willie J. Hemphill
, pro se



Cathy D. Lee

STATE OF INDIANA)
COUNTY OF Grant) SS:

IN THE GRANT COUNTY
SUPERIOR COURT - 2
FILED

MAY 26 2005

Carolyn J. Morrison
CLERK GSC 2

STATE OF INDIANA,)
Plaintiff,)

vs.)

Cause No. 27D02-0406-FB-69

Willie J. Hemphill)
Defendant.)

NOTICE FOR ENTRY OF APPEARANCE

Comes now the Defendant, Willie Hemphill, pro se and without the assistance of counsel and respectfully notifies this court to enter his pro se, appearance. Which may be just and proper pursuant to **Indiana Trial Rule 3.1 and Criminal Rule 2.1** of Indiana Rules of Court, and in support states the following:

- 1.) The Defendant's full name is Willie J. Hemphill
- 2.) The pro se Defendant's address is 214 East 4th Street
MARIION, IN 46952
- 3.) The Defendant will not accept service in this case by FAX and is unable to obtain the assistance of counsel to represent him in this criminal matter at this time.

Willie J. Hemphill
Defendant, pro se

CERTIFICATE OF SERVICE

I, Willie J. Hemphill, hereby certify that a true and correct copy of the foregoing Notice For Entry of Appearance was served upon the Grant County Superior Court - 2, Prosecutor; Rodney Faulk, and Attorney; Bruce Elliot whose address is 104 East 4th Street; Marion, IN 46952 by depositing copy of same in the United States Postal System, with the appropriate postage affixed, prepaid on this 25 day of May 2005.

Willie J. Hemphill
pro se



Cathy D. Lee

To: Mrs. Carolyn Mowery; Court Clerk

Please Send me A Filed Copy of the
Notice For Entry OF Appearance enclosed
and give A Filed Copy to: Honorable Judge
Johnson; Prosecutor - Rodney Faulk; And
Attorney - Bruce Elliott.

Thank You

Willie Hemphill 27D02-0406-FB-69

Signed: Willie Hemphill

Dated: MAY 25, 2005

STATE OF INDIANA
COUNTY OF GRANT
IN THE GRANT SUPERIOR COURT NO. 2
2005 TERM

FILED

JUN 24 2005

Carolyn J. Mowery
CLERK GSC 2

STATE OF INDIANA

VS

CAUSE NUMBER 27D02-0406-FB-69

WILLIE HEMPHILL

PRE-TRIAL ORDER

Defendant appears in custody and by counsel, Bruce Elliott. State of Indiana appears by Rodney Faulk. Counsel for defendant and State notify the Court that plea negotiations are proceeding and will notify the Court by Monday, June 27, 2005, if trial is proceeding.

The Court now notifies parties of the following:

To assure compliance with Indiana Jury Rule 4 regarding notice to jurors, the Court hereby Orders Defense Counsel and Counsel for the State of Indiana in this criminal jury case to submit in written form a notice which notifies the Court on or before noon of the tenth day before the scheduled jury trial either:

1. That counsel intends to try the case, or
2. That counsel intends to continue the case.

(Note plea agreements do not change the designation of choices here.)

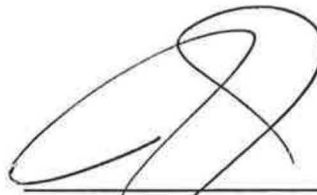
Failure to submit such notice shall result in a chargeable continuance to the party so failing to notify the Court in writing. The Court staff shall file stamp and enter time received upon the notification. The Court will accept our forms by e-mail, however, it is counsel's responsibility to verify they were received. You may e-mail the forms to twoenkhaus@grantcounty.net.

All motions, pre-trial motions, motions in limine or otherwise shall be filed no later than one (1) week prior to

trial. In addition, pursuant to Rule 104 (a) of the Indiana Rules of Evidence, all questions concerning the qualifications of a person to be a witness, the existence of a privilege or the admissibility of evidence generally shall be submitted to the Court in writing ten (10) days before trial. In addition, the State shall file, no later than ten (10) days before trial, written notice of intent to use rule 404(b) evidence at trial, including a statement of the specific purpose for the use of such evidence. The defendant shall then file a written motion in limine in response no later than seven (7) days before trial. The Court will then conduct a pre-trial hearing to settle those questions at a time convenient to the Court and counsel before trial.

All requested instructions, both preliminary and final, shall be tendered to the court no later than noon the Friday before trial.

Dated this 24th day of June, 2005.

A handwritten signature in black ink, appearing to be 'R. L. Johnson', written over a horizontal line.

RANDALL L. JOHNSON, JUDGE
Grant Superior Court No. 2

FILED

JUL 05 2005

To: Superior Court-2 and Prosecutor; Rodney Faulkner
CLERK GSC 2
6-27-05

Willie Hemphill - 27D02-0406-FB-69

Since, Bruce Elliott is on vacation and he did not come see me yet, I would like to express my thoughts about the Pleg offered. First of all: I believe I am being Discriminated against just because a woman was involved not the Injury. If this was Man V. Man Due to the Duress and Justifiable Reasonable Force - The Injury would be irrelevant because of his Prior Unlawful Act which made the whole thing possible; But because it's a woman - The Police, Prosecution, Court, and the Jury is supposed to overlook these circumstances? (Where is the Justice in that)?

I am willing to take one of the two following Pleg Agreements: My Case is Over 1-year old (ARREST DATE June 8, 2004)

CLASS-D: Criminal Recklessness with an open 3-years (MAX)

OR

CLASS-C: Criminal Recklessness with 4-years suspend 2-years; 2-years do 1-year Time Served; With 2-year Informal Probation. Should I not behave myself Prosecution still gets the 4-years do 2-years you offered. Once again I am very sorry someone was hurt; But under the circumstances; I should not be held totally Accountable: I was under Attack with a Deadly Weapon First. (Alleged Victim's Statement Page-4)

Signed: Willie Hemphill

Dated: June 27, 2005



Cathy Lee

STATE OF INDIANA,

IN THE GRANT SUPERIOR COURT #2

COUNTY OF GRANT, SS:

2005 TERM

FILED

STATE OF INDIANA,
Plaintiff

JUL 08 2005

vs.

Carolyn J. Mowery
CLERK GSC 2

WILLIE J. HEMPHILL
Defendant

CAUSE NO.: 27D01-0406-FB-69

MOTION TO CONTINUE

Comes now the Defendant in the above-entitled cause by Jerry T. Drook, Attorney at Law, and respectfully requests a continuance in the above cause of the trial scheduled for July 11, 2005, and in support of said motion states as follows:

1. Counsel for defendant has been hospitalized for most of the last week and has only been released from the hospital within the last 36 hours prior to the filing of this motion.
2. The above cause is set for trial pursuant to defendant's written request for Speedy Trial and defendant is unwilling to waive his right to a speedy trial.
3. Counsel for defendant is unable to represent defendant on July 11th due to his ongoing health concerns, including pancreatitis and diabetic complications.

WHEREFORE, the Defendant prays that this Motion for Continuance be granted, and that defendant's trial be reset for sometime in the next 3 weeks, and for all other relief just and proper in the premises.

Respectfully submitted,

Bruce Elliott

Bruce Elliott, #11546-49
Attorney for Defendant

CERTIFICATE OF SERVICE

I hereby certify that a true and accurate copy of the foregoing has been duly served upon the Grant County Prosecutor this 8th day of July 2005.

Bruce Elliott
Bruce Elliott

STATE OF INDIANA

COUNTY OF GRANT, SS:

STATE OF INDIANA,
Plaintiff

vs.

WILLIE HEMPHILL,
Defendant

IN THE GRANT SUPERIOR COURT #2

2005 TERM

Carolyn J. Mowery
CLERK GSC 2

FILED

JUL 21 2005

CAUSE NO. 27D02-0406-FB-69

NOTICE OF INTENT TO TRY CASE

Comes now the Defendant, WILLIE HEMPHILL, by counsel, BRUCE N. ELLIOTT, and says as follows:

1. That he intends to try the above case as a speedy trial on August 8, 2005 at 1:30 p.m.

Respectfully submitted,

Bruce N. Elliott

BRUCE N. ELLIOTT #11546-49
Attorney for Defendant
605 S. Washington St.
Marion, Indiana 46953
Telephone: (765) 664-6251

CERTIFICATE OF SERVICE

I certify that on the 21st day of July, 2005, a true and complete copy of the foregoing pleading was served upon the attorney of record by depositing same in the U.S. Mail, postage prepaid, or by personal delivery.

Bruce N. Elliott

BRUCE N. ELLIOTT

Cover Sheet For: Clerk of Court

FILED

Date: July 27, 2005

JUL 28 2005

Carolyn J. Mowery
CLERK GSC 2

To: Superior Court - 2 Grant County Clerk

RE: Motion To Dismiss

State of Indiana vs. Willie Hemphill

Cause No. 27002-0406-FB-69

Dear Clerk, Carolyn Mowery

Please find enclosed an original and three
copies of my pro se, Motion to Dismiss.

Please file the enclosed pleading with
the court and return a filed marked copy
for my records.



Sincerely,
Willie Hemphill

STATE OF INDIANA) IN THE SUPERIOR COURT - 2
COUNTY OF GRANT) SS: OF GRANT COUNTY

STATE OF INDIANA)
PLAINTIFF) CAUSE NO. 27D02-0406-FB-62
-VS-)
Willie J. Hemphill)
DEFENDANT)

FILED

JUL 28 2005

Motion for Dismissal

Comes now the defendant W. Hemphill, pro-se and pursuant to the above cause number, do here by move this Honorable Court to dismiss the aforementioned cause for the following reasons:

1) On 6-09-04, The defendant was notified that a detainer was filed against him in the above cause.

2) The warrant/detainer was for cause 27D02-0406-FB-62 and issued out of GRANT County.

3) The defendant files a Motion requesting final disposition on 05-17-05 under Criminal Rule 4(B) requesting a speedy Disposition.

Criminal Rule 4 (b) states;

(B)(1) Defendant in Jail--Motion for Early Trial. If any defendant held in jail on an indictment or an affidavit shall move for an early trial, he shall be discharged if not brought to trial within seventy (70) calendar days from the date of such motion, except where a continuance within said period is had on his motion, or the delay is otherwise caused by his act, or where there was not sufficient time to try him during such seventy (70) calendar days because of the congestion of the court calendar. Provided, however, that in the last-mentioned circumstance, the prosecuting attorney shall file a timely motion for continuance as set forth in subdivision (A) of this rule. Provided further, that a trial court may take note of congestion or an emergency without the necessity of a motion, and upon so finding may order a continuance. Any continuance granted due to a congested calendar or emergency shall be reduced to an order, which order shall also set the case for trial within a reasonable time.

4) Trial was not had prior to 7-27-05 which was beyond the 70 days provided by statute. The petitioner requests quests and is entitle to release from the imposition of this cause.

The defendant W. Hemphill raises that more than 70 days have expired since his request for final disposition has been filed an in accord with CR4(b) he is entitled to immediate release from the imposition of the charges subject of this cause

Respectfully Submitted

Willie Hemphill
Willie J. Hemphill
214 E. 4th Street
Mamou, IN 46952



Cathy D. Lee

CERTIFICATE OF SERVICE

I, Willie J. Hemphill, hereby certify that a true
and correct copy of the foregoing Motion for Dismissal
was served upon the State of Indiana, County of Grant
In The Superior Court - 2
whose address is 101 E. 4th Street, Marion, IN 46952
by depositing copy of same in the United States Postal System, with the
appropriate postage affixed, prepaid on this 27th day of July
2005.



Willie Hemphill
Willie Hemphill, pro se

STATE OF INDIANA
COUNTY OF GRANT
IN THE GRANT SUPERIOR COURT NO. 2
2005 TERM

FILED

AUG 08 2005

Cassidy J. Mowery
CLERK GSC 2

STATE OF INDIANA

VS.

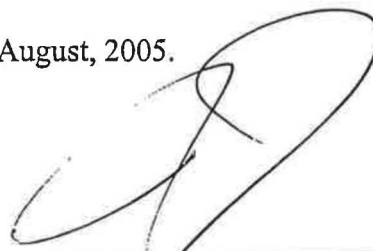
CAUSE NO. 27D02-0406-FB-69

WILLIE HEMPHILL

ORDER ON PLEA AGREEMENT

Comes now State of Indiana by Rodney Faulk. Comes now the defendant in custody together with his counsel, Bruce Elliott. State and defendant file written Plea Agreement. Defendant moves the Court to enter a plea of guilty pursuant to Plea Agreement filed. Motion granted. Defendant now enters a plea of guilty to the crime of Count 2: Battery Resulting in Serious Bodily Injury, a Class C Felony. The Court finds the defendant's plea of guilty to be freely and voluntarily made and to have a factual basis therefor. The Court now orders a Presentence Investigation Report to be made and filed and conditionally accepts the defendant's plea. Cause set for sentencing hearing for August 29, 2005, at 9:00 a.m. Defendant remanded to the custody of the sheriff pending return in open court for sentencing hearing. Judgment on the findings.

DATED THIS 8th day of August, 2005.



RANDALL L. JOHNSON, Judge
Grant Superior Court No. 2.

33

FILED

AUG 08 2005

STATE OF INDIANA

COUNTY OF GRANT, SS: Carolyn J. Mowery

IN THE GRANT SUPERIOR COURT 2

2005 TERM

STATE OF INDIANA

- VS -

CAUSE NUMBER: 27D02-0406-FB-69

WILLIE J. HEMPHILL

PLEA AGREEMENT

Comes now the STATE OF INDIANA and the Attorney of Record for the Defendant, BRUCE ELLIOTT, and respectfully advise the Court that a Plea Agreement has been entered into with the Defendant for the above-entitled cause, which said Agreement is as follows, to wit:

1. The Defendant will enter a plea of guilty to the crime of COUNT 2: BATTERY RESULTING IN SERIOUS BODILY INJURY, a Class C Felony, which carries a minimum sentence of 2 years incarceration and a maximum sentence of 8 years incarceration and a maximum fine of \$10,000.
2. The STATE OF INDIANA agrees to dismissing the remaining counts.
2. The STATE OF INDIANA and the Defendant agree that the sentence for said crime shall be:

COUNT 2:

JAIL: 6 years of which 4 years are executed and 2 years are suspended.

FINE: \$0. & court costs of \$136.

PROB: 2 years probation with the type of probation to be determined

BNE WH ~~by Probation~~ and ordered by the Court.

OTHER: Successful completion of Alternatives Batterer's Program as a condition of probation, &/or Successful completion of an Anger

BNE WH Management Program.

The victim-Tracy Jones, has been notified of the terms of this agreement to which she consents.

WHEREFORE, the STATE OF INDIANA and the Defendant by his Attorney of Record, BRUCE ELLIOTT, respectfully pray that the Court accept the above Agreement and for all other just and proper relief in the premises.

Willie J. Hemphill

WILLIE J. HEMPHILL
DEFENDANT

8-4-05

DATE

Respectfully Submitted,

Rodney L. Faulk

RODNEY L. FAULK
DEPUTY PROSECUTING ATTORNEY

08-05-05.

DATE

Bruce Elliott

BRUCE ELLIOTT
ATTORNEY FOR DEFENDANT

8/4/05

DATE

DEFENDANT'S ACCEPTANCE OF PLEA AGREEMENT

Defendant in the above-entitled cause, WILLIE J. HEMPHILL, affirms under the pains and penalties for perjury that the following statements are true, to-wit:

1. Defendant has read and received a copy of the attached Plea Agreement and fully and completely understands and accepts it.

2. That Defendant fully understands the nature of each charge to which he/she will plead guilty.

3. That Defendant fully understands that by his/her plea of guilty to the crime contained in numerical paragraph one (1) of the Plea Agreement, he/she is admitting the truth of all facts alleged to prove each crime.

4. That Defendant fully understands that by a plea of guilty Defendant waives the following right to:

- a) A public and speedy trial by jury;
- b) Confront and cross-examine witnesses against him/her;
- c) Have compulsory process for obtaining witnesses in his/her favor;
- d) Require the State to prove his/her guilt beyond a reasonable doubt at a trial at which he/she may not be compelled to testify.

5. That Defendant fully understands the Defendant's right to a jury trial includes the right to have a jury determine, by proof beyond a reasonable doubt, the existence of any fact or aggravating circumstance that would allow the Court to impose a sentence in excess of the statutory presumptive sentence. The Defendant also has the right to have the State of Indiana provide written notification to the Defendant of any such fact or aggravating circumstance. The Defendant fully understands that by a plea of guilty, the Defendant waives these rights and fully understands the Court will make the determination as to the existence of any fact or aggravating circumstance that would allow the Court to impose a sentence in excess of the statutory presumptive sentence, without the use or intervention of a jury and sentencing will proceed without any written notification to the Defendant by the State of Indiana of any such or aggravating circumstance.

6. That Defendant has been advised of the maximum possible sentence and minimum sentence for each crime charged.

7. That Defendant has been advised of the possible increased sentence by reason of the fact of a prior conviction or convictions and possibility of the imposition of consecutive sentences.

8. That Defendant has been advised of the possible ramifications to his/her driver's license that may occur due to his/her plea of guilty to a traffic offense. Specifically, the

Defendant has been advised of the qualifications of being considered a habitual traffic violator by the Bureau of Motor Vehicles, and by statute.

9. That Defendant fully understands that the Court is not a party to this Plea Agreement between the STATE OF INDIANA and Defendant and that the Court may accept or reject it. If the Court accepts the Plea Agreement the Court shall be bound by the terms of the Plea Agreement. If the Court rejects the Plea Agreement, the Court will set the case for trial.


10. Defendant's guilty plea is completely voluntary, and that no threats, promises, force or coercion were used against him/her.

11. Defendant is fully satisfied with the services rendered by his/her Attorney of Record, BRUCE ELLIOTT, and that said Attorney has competently and effectively represented him/her.

12. Defendant's signature to this acceptance certifies that all of the statements contained in said Acceptance of Plea Agreement are true, and that any questions concerning said Acceptance of Plea Agreement have been answered by his/her Attorney of Record to his/her complete satisfaction.



WILLIE J. HEMPHILL



DATE

To: Rodney F. Elk; Prosecutor { I AM A Victim
Bruce Elliott; Attorney { IC-55-33-1-1-5 } 1 of 2
Honorable Judge Johnson 8-3-05

I Cannot have A fair Trial; Due to the Amount of Prejudice, Discrimination, Favoritism; and Biasness by the Police and Prosecutor's in this Matter. There is no way the Police and Prosecutor's didn't or Don't see that TRACY the Alleged Victim had Premeditated Intentions to do me Serious Bodily Harm, when she came back searched a seperate Building for a Deadly Weapon and Then came Back into our house to Attack me with this Deadly Weapon; However because of my Reaction which was not knowingly NOR Intentionally caused Injury to the First Aggressor; I am being Prosecuted.

TRACY's Injuries were a direct result of her Premeditated Actions (Unlawful Action). Maybe I ERROred in the Amount of Force used to Resist her Attack; But under the circumstance I didn't ave time to think; I was too Scared of losing life or limb. I have Read in FRENCH Vs. State 2.3.a 1-1-84; Ind 466/424; That a person cannot be held accountable for any error in judgement of the amount of force used to Resist an Attack P.S. What happened to my Rights as A Crime Victim?

Willie Hemphill 27D02-0406-FB-69

Signed: Willie Hemphill
Dated: August 3, 2005

{ I WAS A
Victim IN This
MATTER }

To: Honorable ~~Judge~~ Judge Johnson

Prosecutor
To: Rodney Faulk

and
To: Bruce Elliott,
Attorney

Dated 6-21-05

I know you both

have my letter with
the Attached Statements
that shows I was
the first victim
of Assault with
a Deadly Weapon
Tracy Freely Admits

I came back and
hit him with the
Pipe!

Where's my Rights
as A Victim?

'Air It Out' hopes to get word out

In 1981, President Ronald Ronald signed legislation for crime victims' rights. From that came National Crime Victims' Rights Week, which is designed to increase public awareness of among crime victims and survivors about the wide range of rights and services available to people who have been victimized by crime.

This week marks the 25th observance of National Crime Victims' Rights Week.

CASA of Grant County, the Mayor's Commission on Domestic Violence and the Grant County prosecutor's office teamed to write a grant sponsored by the U.S. Department of Justice. After being funded, our team settled on the local theme "Air It Out: You Have the Right to be Heard."

The concept is to help crime victims to know:

- Their legal rights.
- That it's okay to get help.
- How to access services.

Our team has phenomenal assistance from this community. Activities for recognizing the week in Grant County include mayoral proclamations in Marion, Gas City, and Jonesboro; a clothesline project, in which crime victims decorated 60 T-shirts portraying crimes committed against citizens in Grant County; an antenna project, in which people tie colored ribbons on car



I WAS A
Victim
Wilma
Pilkin
Guest columnist

antennas to represent crimes committed; a bookmark campaign sending 12,000 bookmarks to all libraries in Grant County; and a shopping bag campaign, in which 5,000 flyers depicting how to get help in Grant County are being disseminated.

Community members who work with crime victims will make guest appearances each morning from Monday through Friday on WBAT's *Good Morning Grant County*. Guests will include Linda Wilk of the Mayor's Commission on Domestic Violence; Jim Luttrell, Grant County prosecutor; Janet Walters from First Light Advocacy Center; Rana Vetter and Del Garcia from Triad — Issues on Elder Abuse; and me, from CASA.

There also will be a cable television commercial, local radio announcements, newspaper ads depicting the 24-hour crisis hotline number (664-0701) and billboards showing the hotline and the toll free number (1-800-434-8973).

Finally, it is of utmost importance that crime victims be informed of their rights. In Indiana these rights are found in Indiana Code 35-33-1-1-5:

- A victim has the right to

be treated with fairness, dignity and respect throughout the criminal justice process.

■ A victim has the right to be informed, upon request, when a person who is accused of committing or convicted of committing a crime perpetrated directly against the victim is released from custody or has escaped.

This includes release or escape from mental health facilities.

■ A victim has the right to have the victim's safety considered in determining release from custody of a person accused of committing a crime against the victim.

■ A victim has the right to information, upon request, about the disposition of the criminal case involving the victim or the conviction, sentence and release of a person accused of committing a crime against the victim.

■ A victim has the right to be heard at any proceeding involving sentence or a post-conviction release decision.

A victim's right to be heard may be exercised, at the victim's discretion, through an oral or written statement or submission of a statement through audiotape or videotape.

■ A victim has the right to make a written or oral statement for use in preparation of the presentence report.

The victim also has the right to read presentence reports relating to the crime committed against the victim in order that the victim can respond to the presentence report.

■ A victim has the right to confer with a representative of the prosecuting attorney's office after a crime allegedly committed against the victim has been charged; before the trial of a crime allegedly committed against the victim, and before any disposition of a criminal case involving the victim. This right applies in the following situations:

The alleged felony was directly committed against the victim.

The alleged felony or misdemeanor was an offense against the person, which included the crimes of battery, domestic battery, aggravated battery, battery by body waste, criminal recklessness, intimidation, harassment, invasion of privacy or pointing a firearm, and the alleged felony or misdemeanor was committed against the victim by a person who is or was a spouse of the victim; is or was living as if a spouse of the victim, or has a child in common with the victim.

For other misdemeanors, a victim must file a request for notice, which includes a current telephone number and address.

■ A victim has the right to pursue an order of resolution and other civil remedies against the person convicted of a crime against the victim.

■ A victim has the right to be informed of the victim's constitutional and statutory rights.

Wilma Pilkin is the executive director for CASA of Grant County Inc.

Where is the Justice for me

2 of 2

Dated August 3-2005

STATE OF INDIANA
COUNTY OF GRANT
IN THE GRANT SUPERIOR COURT NO. 2
2005 TERM

AUG 29 2005
Carolyn J. Mowery
CLERK GSC 2

STATE OF INDIANA

vs.

27D02-0406-FB-69

WILLIE J. HEMPHILL

ORDER OF SENTENCE

Comes now State of Indiana by Rodney Faulk. Comes now the defendant together with his attorney, Bruce Elliott. Cause submitted for sentencing. Presentence Investigation Report submitted. The Court having heretofore conditionally accepted the defendant's Plea of Guilty, to the crime(s) Count 2: Battery Resulting in Serious Bodily Injury, a Class C Felony, pursuant to the written Plea Agreement, now accepts same. The Court now sentences the defendant pursuant to the Plea Agreement as follows:

A. That he be committed to the Indiana Department of Corrections for a term of imprisonment of six (6) years on Count 2.

B. That the defendant be granted 427 (actual) days, Credit Time, defendant was in jail pending sentencing upon such sentence.

C. That two (2) years of such sentence under Count 2, herein be suspended and the defendant be placed on probation for a period of two (2) years under written rules of probation.

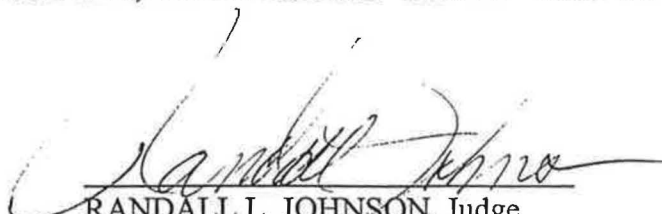
D. The defendant shall successfully complete the Alternative Batterer's Program or Anger Management Program as a specific condition of probation.

E. That the defendant pay probation user's fees as required during the term of probation.

F. That the defendant pay court cost in the sum of \$156.00 payable during the term of probation.

G. All remaining Counts under this cause are dismissed, pursuant to Plea Agreement.

ALL OF WHICH IS ORDERED, ADJUDGED, AND DECREED THIS 29th DAY OF AUGUST, 2005.


RANDALL L. JOHNSON, Judge
Grant Superior Court No. 2

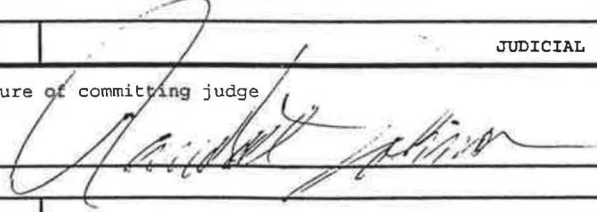
INSTRUCTIONS: This form must accompany the Judgment, re-Sentence Report, and all other documents required by law, upon the commitment of the adult offender to the Indiana Department of Correction. A separate Abstract must be used for each Cause Number.

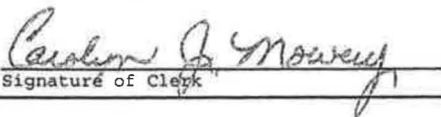
Cause No. 27D02-0406-FB-69	Court Grant Superior Court 2
Date of Sentencing August 29, 2005	Presiding Judge Randall L. Johnson
Prosecutor Rodney Faulk	Defense Attorney Bruce Elliott

PART 1	The Defendant was found Guilty of the following crimes under the above-referenced cause:				
COUNT	CRIME	CLASS	FEL.✓	MISD.✓	STATUTORY CITATION
I	Criminal Confinement	B	XX		35-42-3-3 (b) (2) (A)
II	Battery Resulting in Serious Bodily Inj.	C	XX		35-42-2-1 (a) (3)
III	Intimidation	C	XX		35-45-2-1 (b) (2)
IV	Intimidation	C	XX		35-45-2-1 (b) (2)
V	Interference with Reporting of Crime	A		XX	35-45-2-5 (1)

PART 2	As a result of the above convictions the Court has sentenced the defendant to the Department of Correction as follows: (if consecutive time is received, check only those counts which are to follow the original sentence)				
COUNT	SENTENCE YEARS/DAYS	SUSPENDED	CON. CUR.✓	CON. SEC.✓	...WITH (COUNT OR CAUSE NUMBERS)
I	Dismissed				Pursuant to plea agreement
II	Six (6) yrs	Two (2) yrs			
III	Dismissed				Pursuant to plea agreement
IV	Dismissed				Pursuant to plea agreement
V	Dismissed				Pursuant to plea agreement

PART 3	JUDGE'S RECOMMENDATIONS			
Is the defendant to be returned to the Court for probation at the completion of his/her sentence XX Yes (complete at right) No			Chief Probation Officer Cynthia McCoy	
No. Of days confined prior to sentencing 427 (actual) days		Recommended degree of security Maximum Medium Minimum XX No recommendation		
Additional comments and recommendations:				

PART 4	JUDICIAL SIGNATURE	
Signature of committing judge 		Date signed 9-13-05

PART 5	AFFIDAVIT OF CLERK	
State of Indiana) County of Grant) SS:		
I, Carolyn J. Mowery, Clerk of Grant County, State of Indiana, do hereby certify that the foregoing is a true and complete abstract of judgment of said Court in the above-entitled cause, on the date first shown on record in my office. As testimony of these facts, I sign my name and affix the seal of the Superior Court No. 2 of Grant County, at my office in the City of Marion this 14th day of September 2005.		
 Signature of Clerk		

STATE OF INDIANA
COUNTY OF GRANT
IN THE GRANT SUPERIOR COURT NO. 2
2005 TERM

Aug 29 2005
Carolyn J. Mowery
CLERK GSC 2

STATE OF INDIANA

vs.

27D02-0406-FB-69

WILLIE J. HEMPHILL

ORDER OF SENTENCE

Comes now State of Indiana by Rodney Faulk. Comes now the defendant together with his attorney, Bruce Elliott. Cause submitted for sentencing. Presentence Investigation Report submitted. The Court having heretofore conditionally accepted the defendant's Plea of Guilty, to the crime(s) Count 2: Battery Resulting in Serious Bodily Injury, a Class C Felony, pursuant to the written Plea Agreement, now accepts same. The Court now sentences the defendant pursuant to the Plea Agreement as follows:

A. That he be committed to the Indiana Department of Corrections for a term of imprisonment of six (6) years on Count 2.

B. That the defendant be granted 427 (actual) days, Credit Time, defendant was in jail pending sentencing upon such sentence.

C. That two (2) years of such sentence under Count 2, herein be suspended and the defendant be placed on probation for a period of two (2) years under written rules of probation.

D. The defendant shall successfully complete the Alternative Batterer's Program or Anger Management Program as a specific condition of probation.

E. That the defendant pay probation user's fees as required during the term of probation.

F. That the defendant pay court cost in the sum of \$156.00 payable during the term of probation.

G. All remaining Counts under this cause are dismissed, pursuant to Plea Agreement.

ALL OF WHICH IS ORDERED, ADJUDGED, AND DECREED THIS 29th DAY OF AUGUST, 2005.


RANDALL L. JOHNSON, Judge
Grant Superior Court No. 2

10-06-05

DEAR; MRS. Carolyn Mowery; Court Clerk

FILED
OCT 11 2005

Carolyn J. Mowery
CLERK GSC 2

I am writing concerning My Jail Time Credit;

I have been Incarcerated since June 8, 2004; yet I have AN Outdate of June 28, 2006; On A 2-years Sentence I seen the mistake; It was made in the PSI Report - I was given Credit for (427) Day as of August 9, 2005; the Day I Plead Guilty; But I was not sentenced until Aug. 29, 2005; (20) Days later; at which time the (20)-Days were not added and My outdate is (20)-Days off. The Grant County Jail had my outdate at June 8, 2006; but R.D.C. says they have to go by the Credit time given in the PSI-Report even though it shows my Arrest Date: June 8, 2004; It started my time at June 28, 2004; Because of the (20)-Day Mix-up on Jail Credit from the time I Plead Guilty and the Time I was Sentenced. Would you Please send the Proper Paper Work to Correct this matter.

Willie Hemphill - 157251


Superior Court - 2 27D02-0406-FB-69

Signed: Willie Hemphill

Dated: Oct. 6, 2005

16B
Department of Correction
ption-Diagnostic Center
737 Moon Road
ainfield, Indiana 46168

This correspondence is mailed by an offender incarcerated at this correctional institution. "WARNING": Not Responsible For Contents. Any enclosed money orders should be referred to your local Postmaster before cashing.



02 1A \$ 00.
0004309470 OCT 07 2005
MAILED FROM ZIP CODE 46168

MRS. Carolyn Mowery
Clerk of Courts, GRANT
Court House, 101 4th St.
MARION, IN 46952

AFTER 5 DAYS RETURN TO
CAROLYN J. MOWERY
CLERK OF THE
GRANT CIRCUIT AND SUPERIOR COURTS
COURTHOUSE 101 E. 4th STREET
MARION, INDIANA 46952

FILED
OCT 21 2005
Carolyn J. Mowery
CLERK GSC 2

PRESORTED
FIRST CLASS



UNITED STATES POSTAGE
02 14
0004353358
\$ 00.352
OCT 13 2005
MAILED FROM ZIP CODE 46952

15F

Willie Denprine

D.C. # 157251
63-63
131 Union St
Plainsboro, IN 46952

NOT AT THIS ADDRESS
RETURN TO SENDER

1504



STATE OF INDIANA

COUNTY OF GRANT

IN THE Superior COURT - 11

200 5 CALENDAR TERM

Willie J. Hemphill

DEFENDANT,

vs.

STATE OF INDIANA,

PLAINTIFF.

Cause No.: 27D02-0406-FB-69

FILED

NOV 18 2005

Carolyn J. Smalley
CLERK GSC 2

**MOTION FOR CREDIT TIME SPENT INCARCERATED
PRIOR TO TRIAL AND SENTENCING**

Comes now the Defendant, Willie J. Hemphill, pro-se, and pursuant to I.C. 35-50-6-3(A) and 35-50-6-4(A), moves this Court to grant him credit for time spent in confinement awaiting trial and sentencing as follows:

1. On the 8th day of June, 2004, pursuant to a warrant issued by the Court in this cause, Defendant was arrested and lodged in the GRANT County Jail.

2. The Court entered judgement of conviction against Defendant on the 29th day of August, 2005.

3. On the 29th day of August, 2005, the Court sentenced the Defendant as follows: 4-years do 2-years.

4. At the time sentence was imposed, the Court granted Defendant credit for a total of 427 days spent incarcerated awaiting trial and sentencing.

5. From his date of arrest, up to and including the date upon which he was sentenced, Defendant was in continuous confinement as a direct result of the criminal charge(s) for which sentence was imposed in this cause, and he is therefore entitled to receive full credit against the sentence imposed herein for all time spent by him in pretrial confinement.

6. Defendant spent a total of 447 days in pretrial confinement in this cause.

WHEREFORE, Defendant, Willie J. Hemphill, prays that the Court will grant this Motion by issuing an Amended Abstract of Judgement depicting the Defendant is to be granted credit for 20 days; that a certified copy of the Amended Abstract of Judgement be immediately forwarded to the Superintendent of Putnamville Correctional Facility, as the DOC will not Correct his sentence without an Abstract from the Court; and the Defendant be granted all other just, proper, and appropriate relief.

Respectfully submitted,

Willie J. Hemphill

Defendant, pro-se

DOC # 157251

Putnamville Correctional Facility

1946 W. US Hwy 40

Greencastle, IN 46135

CERTIFICATE OF SERVICE

I hereby certify that a true and complete copy of the foregoing has been duly served upon opposing counsel, by placing a copy of same in the U.S. Mail, first-class postage prepaid, on this 15th day of November, 2005.

Wilho J. Humphill
Certifier

MEMORANDUM OF LAW IN SUPPORT OF MOTION
TO AMEND JAIL TIME CREDIT

Pursuant to I.C. 35-50-6-3, the Defendant is entitled to earn credit for the time he has spent incarcerated or under lawful detainer prior to sentencing, *Nutt v. State*, 451 N.E.2d 342 (Ind. App., 1983); *Muff v. State*, 647 N.E.2d 681 (Ind. App. 1995); *Weaver v. State*, 725 N.E.2d 945 (Ind. App. 2000); Jail Time Credit awarded for Work Release, Home Detention, Community Correction as described by the Court in, *Purcell v. State*, 721 N.E.2d 223-224 (Ind. App. 1999); *Dishroom v. State*, 722 N.E.2d 385-389 (Ind. App. 2000).

It is the Defendant's contention that he was accredited only 427 days of credit for his incarceration, by this Court, when in fact, he was actually entitled to 447 day of credit in this matter.

WHEREFORE, Defendant prays this Honorable Court enter an Order granting the appropriate amount of credit due to this Defendant for his incarceration awaiting trial and sentencing, pursuant to the applicable law.

Respectfully Submitted,

Wilho F. Hemphill

DOC # 157251

Defendant *Pro Se*

STATE OF INDIANA)
COUNTY OF GRANT)SS:

IN THE Superior COURT - II
2005 CALENDAR TERM

Willie J. Hemphill,)
DEFENDANT,)
vs.)
STATE OF INDIANA,)
PLAINTIFF.)

Cause No.: 27D02-0406-FB-69

ORDER

COMES NOW Defendant, Willie J. Hemphill, pro-
se, and files a **Motion for Credit Time Spent Incarcerated Prior To Trial and
Sentencing** as follows:

[H.I.]

The Court having seen, inspected, and being duly advised in the premises of said
motion finds that said motion should be, and hereby is **GRANTED**.

IT IS THEREFORE ORDERED by the Court that
Defendant _____ whose DOC is _____ be
GRANTED _____ days Credit.

SO ORDERED this _____ day of _____,
20____.

JUDGE _____ COURT

Willie J. Hemphill

D.O.C. # 157251

Housing Unit 16-South

Putnamville Correctional Facility

1946 W. US Hwy. 40

Greencastle, IN 46135-8706

FILED

NOV 18 2005

Carolyn J. Mowery
CLERK GSC 2

November 14, 2005

Clerk of the Superior Court - II

County of Grant

101 E. 4th Street Courthouse

Marion, IN 46952

RE: Petition for Production of Guilty Plea and Sentencing Transcripts at Public Expense

Dear Clerk:

Enclosed you will find the original and two (2) copies of my Pro se *Petition for Production of Guilty Plea and Sentencing Transcripts at Public Expense*. Please file mark the enclosures and present the original to the Court for a decision. Also, please return a file marked copy to me for my records.

Thank you for your cooperation in this matter.

Very truly yours,

Willie J. Hemphill
Petitioner

STATE OF INDIANA)
)
COUNTY OF GRANT) s:

IN THE Superior COURT - II
OF GRANT COUNTY

Willie J. Hemphill)
Petitioner/Defendant,)

vs.)

STATE OF INDIANA,)
Respondent/Plaintiff,)

Cause No. 27 Do2-0406-FB-69

FILED

NOV 18 2005

Carolyn J. Mowery
CLERK GSC 2

**PETITION FOR PRODUCTION OF GUILTY PLEA
AND SENTENCING TRANSCRIPTS AT PUBLIC EXPENSE**

Comes now Petitioner/Defendant, Willie J. Hemphill, pro se, and pursuant to P.C. Rule 1, Section 9(b), of the Indiana Rules of Procedure for Post-Conviction Remedies, petitions the Court for production of his guilty plea and sentencing transcripts at public expense. In support of this petition, Petitioner would show the Court as follows:

1. This is an action for post-conviction relief under P.C. Rule 1, Indiana Rules of Procedure for Post-Conviction Remedies.
2. Petitioner's underlying conviction was obtained pursuant to his plea of guilty.
3. Petitioner's guilty plea was given on the 9th day of August, 2005.
4. The Court held a sentencing hearing on the 29th day of August, 2005.
5. The Petitioner was apprehended for the following offenses: Confinement, Battery, Intimidation, and Interfering with Reporting.
6. The Court sentenced said Petitioner to an executed term of: 4-years and was given 427 days for credit for time served while awaiting sentencing in the above cause.
Should be * 447 *
Court ERROR

7. Petitioner is proceeding pro se in this action for post-conviction relief and needs access to the transcripts of his guilty plea and sentencing hearing to cite specific facts in support of his allegations for relief.

8. Petitioner also needs access to the transcripts of his guilty plea and sentencing hearing so that he may review them to determine whether or not additional grounds for post-conviction relief exist and, if so, to include those grounds in his petition to avoid waiving them under **P.C. Rule 1, Section 8**.

9. Petitioner is indigent, he has been granted leave to proceed in forma pauperis, and he does not have the means nor moneys to pay the costs and fees normally charged for preparation of the guilty plea and sentencing hearing transcript. Petitioner attaches his **Affidavit of Poverty** which more fully sets forth his poverty status. (See Attached Exhibit "A")

10. Petitioner has the right under **P.C. Rule 1, Section 9(b)**, to have his guilty plea and sentencing hearing transcript produced at public expense prior to the hearing on his post-conviction petition.

WHEREFORE, Petitioner/Defendant, Willie J. Hemphill, prays that the Court will grant this petition by ordering that his guilty plea and sentencing hearing transcript be transcribed and delivered to him prior to the hearing on his post-conviction petition, at public expense, and for all other just, proper, and appropriate relief.

Respectfully submitted,
Willie J. Hemphill
Petitioner/Defendant, pro se
D.O.C. # 157251
Putnamville Correctional Facility
1946 W. US Hwy. 40
Greencastle, IN 46135-8706

CERTIFICATE OF SERVICE

I, Willie J. Hemphill, do hereby swear, under penalties for perjury, that on this 14th day of November, 2005, I served a true and correct copy of the foregoing Petition for Production of Guilty Plea and Sentencing Transcripts at Public Expense upon the Prosecuting Attorney of GRANT County by placing same in the U.S. Mail, first-class postage prepaid.

Willie J. Hemphill
Petitioner/Defendant, Pro se

CERTIFICATE

I certify that Willie J. Hemphill (name),
157251 (DOC#) has sum of \$ 50.00 on account to his credit
at Putnamville Correctional Facility, the institution where he is confined.

I further certify that he has the following securities to his credit according to the records of
said institution: none to my knowledge. I further certify that during the (here approx. 1 month),
last six months his average balance in his trust account was \$ 50.00.

Willie J. Hemphill
Signature

Dated: November 8, 2005

Maria Fagg
Authorized Officer of Institution

Maria Fagg, Acct. Clerk of Inmate Trust.
Printed

STATE OF INDIANA)

IN THE Superior COURT - II

COUNTY OF GRANT)

OF GRANT COUNTY

Willie J. Hemphill,)
Petitioner)

vs.)

CAUSE NO. 27D02-0406-FB-69

STATE OF INDIANA,)
Respondent.)

FILED

NOV 21 2005

ORDER

Carolyn J. Mowery
CLERK GSC 2

COMES NOW Petitioner, Willie J. Hemphill, pro-se, and files
a Petition/Motion for Guilty Plea + Sentencing Transcripts at Public Expense as
follows.

[H.I.]

The Court having seen, inspected, and being duly advised in the premises of said motion
finds that said motion should be and hereby is **GRANTED**.

SO ORDERED this 21 day of Nov, 2005

[Signature]
JUDGE Grant 2 COURT

Indiana Department of Correction
Putnamville Correctional Facility
1946 West U.S. Highway 40
Greencastle, Indiana 46135

03:05

Clerk of Courts
Mrs. Carolyn Mowery
101 E. 4th Street
Court house
MARION, IN 46952

LEGAL MAIL

2025-00-00 00:00



FILED

NOV 23 2005

STATE OF INDIANA
COUNTY OF GRANT
IN THE GRANT SUPERIOR COURT NO. 2
2004 TERM



Carly J. Johnson
CLERK OF COURT
STATE

DATE: 11-23-05

VS.

WILLIE J. HEMPHILL

CAUSE NO.: 27D02-0406-FB-69

THE CLERK WILL PLEASE ENTER THE FOLLOWING MINUTES:

IN RESPONSE TO DEFENDANT'S "MOTION FOR CREDIT TIME
SPENT INCARCERATED PRIOR TO TRIAL AND SENTENCING,"
THE STATE COUNTED SAID DAYS TALLING 448 DAYS
ACTUAL. STATE REQUEST THE COURT TO PREPARE & FILE
AN AMENDED ORDER OF SENTENCING INDICATING SAME.

ATTY FOR R. Dault STATE.

RANDALL L. JOHNSON, Judge
Grant Superior Court No. 2

HOW LONG WILL HEARING TAKE _____

Willie Hemphill # 157251
16-South

RETURN TO POSTMASTER FOR RETURN
POSTAGE AND CONFIRMATION
THIS VALUE IS APPROXIMATE
GREEN STAMPED MAIL
THIS STAMP IS NOT TO BE USED FOR
75 CENTS OF MAIL. IT IS NOT TO BE
INCORPORATED AT THE END OF THE MAIL
FOR THE MAIL. IT IS NOT TO BE
FOR CONTENTS. ANY UNDELIVERED
ORDERS SHOULD BE RETURNED TO YOUR
LOCAL POSTMASTER BEFORE CASHING

Clerk of Court

Carolyn J. Mower

101 E. 4th St.

Marion, IN 466

101 E. 4th St.
Marion, IN 466

STATE OF INDIANA
COUNTY OF GRANT
IN THE GRANT SUPERIOR COURT NO. 2
2005 TERM

FILED

DEC 23 2005

Carolyn J. Mowery
CLERK GSC 2

FILED

NOV 23 2005

Carolyn J. Mowery
CLERK GSC 2

STATE OF INDIANA

vs.

27D02-0406-FB-69

WILLIE J. HEMPHILL

AMENDED ORDER OF SENTENCE

Comes now State of Indiana by Rodney Faulk. Comes now the defendant together with his attorney, Bruce Elliott. Cause submitted for sentencing. Presentence Investigation Report submitted. The Court having heretofore conditionally accepted the defendant's Plea of Guilty, to the crime(s) Count 2: Battery Resulting in Serious Bodily Injury, a Class C Felony, pursuant to the written Plea Agreement, now accepts same. The Court now sentences the defendant pursuant to the Plea Agreement as follows:

A. That he be committed to the Indiana Department of Corrections for a term of imprisonment of six (6) years on Count 2.

B. That the defendant be granted 448 (actual) days, Credit Time, defendant was in jail pending sentencing upon such sentence, as of August 29, 2005.

C. That two (2) years of such sentence under Count 2, herein be suspended and the defendant be placed on probation for a period of two (2) years under written rules of probation.


D. The defendant shall successfully complete the Alternative Batterer's Program or Anger Management Program as a specific condition of probation.

E. That the defendant pay probation user's fees as required during the term of probation.

F. That the defendant pay court cost in the sum of \$156.00 payable during the term of probation.

G. All remaining Counts under this cause are dismissed, pursuant to Plea Agreement.

ALL OF WHICH IS ORDERED, ADJUDGED, AND DECREED THIS 23rd DAY OF NOVEMBER, 2005.


RANDALL L. JOHNSON, Judge
Grant Superior Court No. 2

INSTRUCTIONS: This form must accompany the Judgment, Sentence Report, and all other documents required by law, the commitment of the adult offender to the Indiana Department of Correction. A separate Abstract must be used each Cause Number.

27D02-0406-FB-69		Grant Superior Court 2	
Date of Sentencing August 29, 2005		Presiding Judge Randall L. Johnson	
Prosecutor Rodney Faulk		Defense Attorney Bruce Elliott	

RT 1	The Defendant was found Guilty of the following crimes under the above-referenced cause:				
CRIME	CLASS	FEL.√	MISD.√	STATUTORY CITATION	
Criminal Confinement	B	XX		35-42-3-3 (b) (2) (A)	
Battery Resulting in Serious Bodily Inj.	C	XX		35-42-2-1 (a) (3)	
Intimidation	C	XX		35-45-2-1 (b) (2)	
Intimidation	C	XX		35-45-2-1 (b) (2)	
Interference with Reporting of Crime	A		XX	35-45-2-5 (1)	

RT 2	As a result of the above convictions the Court has sentenced the defendant to the Department of Correction as follows: (if consecutive time is received, check only those counts which are to follow the original sentence)				
SENTENCE YEARS/DAYS	SUSPENDED	CON. CUR.√	CON. SEC.√	...WITH (COUNT OR CAUSE NUMBERS)	
Dismissed				Pursuant to plea agreement	
Six (6) yrs	Two (2) yrs				
Dismissed				Pursuant to plea agreement	
Dismissed				Pursuant to plea agreement	
Dismissed				Pursuant to plea agreement	

RT 3	JUDGE'S RECOMMENDATIONS				
the defendant to be returned to the Court for probation at the completion of his/her sentence		XX Yes (complete at right) No		Chief Probation Officer Cynthia McCoy	
No. of days confined prior to sentencing 48 (actual) days		Recommended degree of security Maximum Medium Minimum XX No recommendation			
Additional comments and recommendations:					

RT 4	JUDICIAL SIGNATURE	
Signature of committing judge		Date signed 11-23-05

RT 5	AFFIDAVIT OF CLERK	
State of Indiana) County of Grant) SS:		
I, Carolyn J. Mowery, Clerk of Grant County, State of Indiana, do hereby certify that the foregoing is a true and complete abstract of judgment of said Court in the above-entitled cause, on the date first shown on record in my office. As testimony of these facts, I sign my name and affix the seal of the Superior Court No. 2 of Grant County, at my office in the City of Marion this 2nd day of Dec, 2005.		
		Signature of Clerk Carolyn J. Mowery

UNITED STATES POSTAL SERVICE
100 Van Noy Road / P.O. Box - A
New Castle, IN 47362
INDIANA DEPARTMENT OF CORRECTION

~~THIS STAMP IDENTIFIES THIS CORRESPONDENCE
AS HAVING BEEN MAILED BY AN OFFENDER
INCARCERATED AT THE ABOVE CORRECTIONAL
FACILITY. NO POSTAGE, NO RECEIPT, NO
FOR CONTENTS. ANY ENCLOSED MONEY
ORDERS SHOULD BE RETURNED TO YOUR
LOCAL POSTMAN WITH THE MAIL.~~

LEGAL MAIL



Carolyn Mowrey
Clerk of Courts
Courthouse 101 E. 4th Street
Marion, IN 46952

46952/4004

UNITED STATES POSTAL SERVICE
FIRST CLASS PERMIT NO. 1000 MARION, IN
POSTAGE WILL BE PAID BY ADDRESSEE
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IN THE
UNITED STATES
FIRST CLASS PERMIT NO. 1000 MARION, IN
POSTAGE WILL BE PAID BY ADDRESSEE
NO POSTAGE
NECESSARY
IF MAILED
IN THE
UNITED STATES

FILED

JAN 26 2006

Carolyn J. Mowery
CLERK GSC 2

To MRS Mowery

Please Send Me A Filled Copy
of the Ruling For Motion

STATE OF INDIANA

COUNTY OF GRANTWillie J. Hemphill

Petitioner/Plaintiff,

v.

State of Indiana

Respondent/Defendant.

)
) S:
)IN THE Superior COURT - II
OF GRANT COUNTY**FILED**

JAN 26 2006

CAUSE NO. 27 D02-0406-FB-69

CLERK GSC 2

REQUEST FOR RULING ON MOTION For Credit Time

COMES NOW Willie J. Hemphill, *pro se*, and hereby respectfully requests this Honorable Court to rule upon the filed in the above-captioned cause for the reason that this cause cannot proceed until after such ruling.

Respectfully Submitted,

Willie Hemphill

Petitioner pro se

DOC # 157251

New Castle Corr. Facility
100 Van Nuy Road/P.O. Box - A
New Castle, IN 47362

CERTIFICATE OF SERVICE

I hereby certify that a true and complete copy of the foregoing has been duly served upon opposing counsel, by placing a copy of same in the U.S. Mail, first-class postage prepaid, on this 23rd day of JANUARY, 2006.

Willie Hemphill
Certifier

STATE OF INDIANA)

IN THE Superior COURT - II

COUNTY OF GRANT)

OF GRANT COUNTY

Willie J. Hemphill)
Petitioner)

vs.)

CAUSE NO. 27D02-0406-FB-69

STATE OF INDIANA,)
Respondent.)

MOTION FOR DOCKET SHEET/COURT CHRONOLOGY

Comes now the Defendant, Willie J. Hemphill, proceeding pro-se, and respectfully request the Clerk of this Honorable Court to prepare a copy of the Chronological Case Summary (CCS) for this cause and remit said CCS to the defendant at the address below.

Respectfully submitted,

Willie J. Hemphill
_____, Petitioner pro-se
DOC# 157251
Putnamville Correctional Facility
1946 W. US Hwy. 40
Greencastle, IN 46135-8706

CERTIFICATE OF SERVICE

I hereby certify that a true and complete copy of the foregoing Motion For Docket Sheet has been duly served upon the Prosecuting Attorney for GRANT County by U.S. Mail, first-class postage prepaid this 1st day of November, 2005.

Willie J. Hemphill
Certifier

To: Honorable Judge Randall Johnson
 In The Superior Court - II
 Grant County Courthouse
 Marion, Indiana 46952

From: Willie J. Hemphill #157251
 Cause No: 27D02-0406-FB-69
 NewCastle Correction Facility / P.O. Box - A
 100 Van Nuys Road / NewCastle, IN 47362

FILED

FEB 16 2006

Carolyn J. Mowery
CLERK GSC 2

Affidavit of Facts / For C. T. P.

I, Willie J. Hemphill, do hereby swear, under penalties for perjury, that the following statements are true:

1.) That I Completed The Pre-Release Program at the Putnamville Correctional Facility on December 15, 2005;.

2.) That I have maintained a Clear Conduct Record for the last 20-months of Incarceration.

3.) That my EPRD is June 7, 2006;.

4.) That my Community Transition Eligibility Date is March 9, 2006;.

5.) That I have sought Psychological Treatment, Educational, and Substance Abuse Programs; All of which I can not participate in; Because the Programs are not yet being offered OR Insufficient time remaining to complete the Program (Which is A Requirement); Therefore; Leaving me no further Rehabilitation at The NewCastle Correctional Facility; See Attached Certificate and Request.

6.) That I have Resident at 405 West Main Street;
Van Buren, Indiana 46991; Mr + Mrs Lester Phone #:
(765) - 934-2263.


7.) That I have gainful Employment upon Release
M+R Construction; Direct Supervisor: Jerry Lester Phone #:
(765) 206-0473.

Wherefore, Affiant, Willie J. Hemphill, Prays that the
Honorable Judge Randall Johnson, will allow him to be a part
of the Community Transition Program

Affiant - Willie J. Hemphill
Willie J. Hemphill; Pro Se

Dated: February 6, 2006

PUTNAMVILLE CORRECTIONAL FACILITY
NOVEMBER 29, 2005

TO: Willie Hemphill DOC#157251, 16S
FROM: Al Parke, Superintendent 
RE: Anger Management Program

There is an anger management program. The Mental Health Department has anger management groups, which are held every ten weeks; however, there is a long waiting list of about one year. The groups are held for ten weeks and each group has about 15 people in them. Offenders should send a Health Care Request to Mental Health to get on the waiting list.

ACP:jg

cc: Packet
File

Indiana Department of Corrections

Certificate

This Certifies that **WILLIE HEMPHILL**

*Has successfully completed the Modified Pre-Release Orientation
Program this 15th day of December in the year of 2005 at the Putnamville
Correctional Facility.*

Superintendent

[Signature]
Pre-Release/Re-Entry Program Coordinator



New Castle

INDIANA DEPARTMENT OF CORRECTION
REQUEST FOR INTERVIEW

TO: Anger Management OFFICE: Anger Management DATE: Jan 15, 2006
NAME: Willie Hemphill DOC#: 157251 DORM: D-4 ASSIGNMENT: N/A

Reason for request (be as definite as possible) My Out-Date is June of 2006, is
there anyway I can take Anger Management before then?
Anger Management was a Condition of my Plea Agreement
I was on the List at Petramville.

*** DO NOT WRITE BELOW THIS LINE ***

Action:

"Anger Management" is only a one
~~hour~~ hour topic in Phase I TX for Substance
Abuse treatment.

By: Ms. Roberts

New C... 4e

From the Chaplain

Date: 01/20/06

Our new programming will eventually include NA and AA. However, all programs take time for start up. NA and AA, in particular are run by volunteers.

At this time no one has been identified willing to come in to NCCF and do AA and NA programs. I will keep you name and inform you in the future that such a program is available.

New Castle

INDIANA DEPARTMENT OF CORRECTION
REQUEST FOR INTERVIEW

TO: Mr. Switzer OFFICE: Education DATE: JAN. 23, 2006
NAME: Willie Hamphill DOC#: 157251 DORM D-4 ASSIGNMENT: Idle

Reason for request (be as definite as possible) I was scheduled to start Thinking
For A Change the 5-week Program at Putnamville;
Can you get me in this Program As Soon As Possible

*** DO NOT WRITE BELOW THIS LINE ***

Action: "Thinking for a Change" is not being offered alone at this
time, but is incorporated into the Substance Abuse Program.

By: C. Barker, BSW
1-26-06

Memo

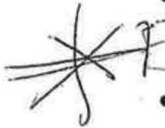
Midwest Psychological Center, Inc Substance Abuse Program

To: All Offenders
From: Midwest Psychological Center, Inc., Substance Abuse Program
CC:
Date: 1/24/2006
Re: SUBSTANCE ABUSE PROGRAM ELIGIBILITY CRITERIA

APPROVED: *S. Jurtz* 01-25-06

SUBSTANCE ABUSE PROGRAM ELIGIBILITY CRITERIA

To be eligible for the substance abuse program you must

- Have a history of alcohol/substance abuse
-  Earliest Possible Release Date (EPRD) must be 2 years or less, but still have sufficient time to complete the program.
- Must be Credit Class 1
- Have no Class A conduct reports or incidents of violence within previous year
- Have no program refusals/drops within previous 6 months

ABOUT THE PROGRAM:

Phase I = 24 hours of class time in 1 month with no time cut

Phase II = 48 hours of class time in 2 months with 3 month time cut upon completion

Phase III = 72 hours of class time in 3 months with 1 month time cut per 24 hours of class

Classes will be scheduled for 2 days per week at 3 hours per class. Waiting list priority is based upon EPRD and eligibility for time cuts. Two Phase I classes will begin the week of Feb. 6, 2006.

If you have sent a request, please be patient, our counselors are scheduling individual meetings based upon the waiting list and classroom capacities.

*6-Months
Total*

Willie Hemphill #157251
N.C.F. / D-4 (209)
100 Van Noy's Road / P.O. Box-A
New Castle, IN 47362



URGENT!

INDIANA DEPARTMENT OF CORRECTION
NEW CASTLE CORRECTIONAL FACILITY
PO BOX A
NEW CASTLE, IN 47362

THIS STAMP IDENTIFIES THIS CORRESPONDENCE
AS HAVING BEEN MAILED BY AN OFFENDER
INCARCERATED AT THE ABOVE CORRECTIONAL
INSTITUTION "WARNING" NOT RESPONSIBLE
FOR CONTENTS, ANY ENCLOSED MONEY ORDERS
SHOULD BE REFERRED TO YOUR LOCAL
POSTMASTER BEFORE CASHING.

To: Honorable Judge Randall Johnson
C/o Court Clerk
Superior Court - II
Courthouse 101 E. 4th Street
Marion, IN 46952



STATE OF INDIANA)
) SS:
COUNTY OF GRANT)

IN GRANT SUPERIOR COURT II
2006 TERM

STATE OF INDIANA

VS.

Willie Hemphill # 167251

CAUSE NO. 27D02-0406-FB-69

FILED
MAR 10 2006
Carolyn J. Mowbray
CLERK GSC 2

FINDINGS AND ORDER FOR COMMUNITY TRANSITION PROGRAM

This matter having come before court on the receipt of the notice dated March 7, 2006 for the Community Transition Program under Ind. Code 11-10-11.5-2 filed herein, and the court having jurisdiction over the defendant and the subject matter in this case and having considered the evidence and being duly advised in the premises, now renders and files its specific findings and determination:

That no hearing was held.

The Court finds one or more of the following:

That good cause exists to deny the placement.

IT IS ORDERED AND ADJUDGED that the Indiana Department of Correction retain control over the defendant and the defendant not be assigned to the community transition program.

SO ORDERED this 10 day of March, 2006.



Judge, Randall L. Johnson

Copies of this order shall be sent immediately to:

1. The prosecutor, James Luttrull and Chris Cunningham, Dr. Comm. Corrections.
2. Department of Correction: Community Transition Program Manager, Indiana Department of Correction, 402 West Washington Street, Rm. W-341, Indianapolis, Indiana 46204-2738.

STATE OF INDIANA }
COUNTY OF GRANT } v.

IN THE SUPERIOR COURT 2
2006 TERM

STATE OF INDIANA

VS.

CAUSE: 27D02-0406-FB-69

WILLIE JAMES HEMPHILL

FILED

JUN 20 2006

INFORMATION FOR THE COURT

Carolyn J. Mawery
CLERK GSC 2

Your Petitioner, Thomas Lawson, a Probation Officer for Grant County, Indiana
respectfully represents to the Court as follows:

The defendant has requested a travel permit for employment purposes. The defendant has secured employment with Integrity Builders which has been verified by this officer. Travel specifics have been provided to this office. The defendant is currently serving a 2 year term of probation after being convicted of the offense of Battery Resulting in Serious Bodily Injury. This Officer has no objections to the permit being approved.

Dated this 26th day of June, 2006.

Respectfully Submitted,

TL
Thomas Lawson
Probation Officer

Approved Linda [Signature]

STATE OF INDIANA
COUNTY OF GRANT
IN THE GRANT SUPERIOR COURT NO. 2
2007 TERM

FILED

DEC 13 2007

J. Mark Elwood
CLERK GSC 2

STATE OF INDIANA

VS.

CAUSE NO. 27D02-0406-FB-69

Willie Hemphill

ORDER FOR ARREST WARRANT FOR PROBATION VIOLATION

The State of Indiana by THOMAS LAWSON, (Probation Officer), appears and files its Petition alleging the probationer, Willie Hemphill, with violating conditions of probation, said Petition being as follows:

(H.I.)

The State of Indiana also files the Order of Protection containing the conditions for said probationer, as follows:

(H.I.)

The Court examines said Petition and finds that:

- () there is a risk or probationer fleeing the jurisdiction;
- () the probationer has fled the jurisdiction; or
- (X) there is a risk of probationer causing harm to others.

The clerk is now directed to issue immediately a warrant for arrest of probationer to the sheriff of Grant County, Indiana, returnable forthwith. Bail is set at \$ 10,000 and the clerk is directed to endorse the amount of said bail on the warrant.

So ORDERED this 13th day of Dec., 2007.

Randall L. Johnson
RANDALL L. JOHNSON, Judge
Grant Superior Court No. 2

STATE OF INDIANA

IN THE GRANT COUNTY SUPERIOR COURT II

SS:
COUNTY OF GRANT

FILED

STATE OF INDIANA

DEC 13 2007

VS.

J. Mark CAUSE NUMBER: 27D02-0406-FB-69
CLERK GSC 2

WILLIE HEMPHILL

PETITION FOR REVOCATION OF PROBATION

Your Petitioner, Thomas Lawson, a Probation Officer with the Grant County Probation Department respectfully represents to the Grant County Superior Court II as follows, and affirms under the penalties of perjury that the following representations are true.

That the defendant, age 36, was born, September 10, 1971, and whose last reported address was 310 West 20th Street, Marion, Indiana 46953.

That on August 8, 2005, the defendant pled guilty to the charge of Battery Resulting in Serious Bodily Injury, a Class C Felony.

That on August 29, 2005, the Grant County Superior Court II found the defendant guilty of the aforementioned charges and sentenced the defendant to:

Six (6) years with two (2) years suspended, two (2) years probation.

That on June 9, 2006, the defendant signed "Conditions of Probation" with the Grant County Superior Court II as witnessed by Probation Officer Kim Kinsey.

That on December 9, 2007, the defendant was arrested by Officer Amber Richards of the Marion Police Department for the offenses of Residential Entry, Battery, and Criminal Mischief.

This is a violation of **Rule #1** of the Conditions of Probation which states:

"You will not commit another criminal offense".

THEREFORE, this officer respectfully requests to the Grant County Superior Court II that a WARRANT be issued and a hearing be set concerning this Petition for Revocation of Probation.

Dated this 11th day of December, 2007.

Respectfully Submitted,

Thomas Lawson
Thomas Lawson
Probation Officer
Grant County, Indiana

Approved by:

[Signature]
Grant County Prosecutor's Office

WITNESSES:

Thomas Lawson, Grant County Probation
Amber Richards, Marion Police Department

STATE OF INDIANA
COUNTY OF GRANT
IN THE GRANT SUPERIOR COURT NO. 2
2008 TERM

FILED

JAN 10 2008

J. Mark Flannery
CLERK GSC 2

STATE OF INDIANA

VS.

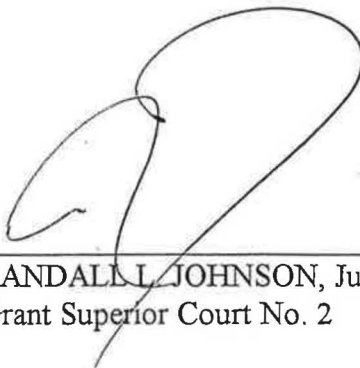
CAUSE NO. 27D02-0406-FB-69

Willie Hemphill

**ORDER ON INITIAL HEARING
ON PETITION FOR REVOCATION OF PROBATION**

Comes now the defendant in custody. The Court now advises defendant of the right to counsel, the right to remain silent, the nature of the Petition for Revocation of Probation and the amount and conditions of the bond. Upon request of the defendant, the Court appoints David Payne as attorney for the defendant finding defendant to be an indigent person. The Court now sets hearing on Petition for Revocation of Probation for February 11, 2008, at 9:00 a.m. Defendant is remanded into custody to return in open court for further proceedings. Judgment on the findings.

Dated this 10th day of January, 2008.



RANDALL L. JOHNSON, Judge
Grant Superior Court No. 2

STATE OF INDIANA)
) SS:
COUNTY OF GRANT)

IN THE GRANT SUPERIOR COURT #2

2008 TERM

STATE OF INDIANA
Plaintiff

CAUSE NO.: 27D02-0406-FB-69

FILED

JAN 17 2008

J. Mark Flannery
CLERK GSC 2

Vs.

WILLIE HEMPHILL
Defendant

DEFENDANT'S MOTION TO PRODUCE EVIDENCE

The Defendant, Willie Hemphill, by counsel, requests this Court to order the Prosecuting Attorney of Grant County, Indiana, any and all law enforcement officers of Grant County and the Indiana State Police to disclose, and in the case of a tangible item, to produce for examination, inspection, and copying, the following:

1. The names and last known addresses of all persons who the State of Indiana intends to use in the prosecution of this cause of action, and the names and last known addresses of persons known to the State of Indiana to have knowledge pertinent to this cause of action but who will not be used as witnesses by the State of Indiana herein.

2. A copy of all written or recorded statements, memoranda, and summaries of oral statements of persons whom the Prosecuting Attorney intends to call as witnesses in the prosecution of this cause of action, or by any person who has knowledge pertinent to this cause of action but who will not be used as a witness by the State of Indiana.

3. A list of criminal and juvenile records, if any, of all of the witnesses, including the Defendant's whom the State plans to call to testify at trial, and a copy of all the criminal records pertaining to people interviewed by the State concerning this cause.

4. Any and all written or recorded statements and the substance of any oral statements made by the Defendant herein to agents of the State of Indiana or to private individuals assisting the aforesaid authorities, including any warnings of rights read to or alleged waivers obtained from the Defendant.

5. State whether the Defendant, or any other person who participated in the alleged crime, was acting directly or indirectly at the instigation, or on the behalf of the State of Indiana, or one of its agents, and if so, state the names and addresses of said individuals.

6. State whether or not the use of an informant is in any way involved in the State's case, and if so, name the informant and specify his/her address.

7. State the names and addresses of each and every person who was present and/or who took part in, or witnessed the criminal act which the Defendant is accused of committing.

8. State fully all the overt acts in furtherance of the crime not specified in the Information, on which the prosecution intends to rely at trial.

9. State the time and place of the offense alleged in the Information.

10. A copy of the probable cause affidavit in this cause of action, and a copy of any written record or transcription of testimony at the probable cause hearing in the cause herein.

11. All written reports, notes, memoranda, maps, drawings or diagrams written, drawn or otherwise prepared by the Prosecuting Attorney of Grant County, or any other law enforcement agency or individual, in connection with or pertaining to the investigation of the crimes charged against the Defendant herein.

12. True copies of all photographs which the State of Indiana intends to or may offer into evidence at the trial of this cause of action, and all other photographs relevant to the subject

matter of this cause of action, including any photographs of physical evidence in the State's possession.

13. All tangible or demonstrative objections, books, papers or documents which the Prosecuting Attorney will use in the hearing or trial, or which were obtained from or belonging to the accused, including that evidence which was seized at the time of the apprehension of the Defendant, with copies of search warrant(s) and, if such search was based on any alleged consent by Defendant, the circumstances in which such alleged consent was obtained.

14. Any and all reports, laboratory or otherwise, or statements of experts made in connection with this particular case, including results of physical or mental examination and of scientific tests, experiments or comparisons by any agents of the State of Indiana, or private individuals.

15. The defense requests the following information:

a. Will the State rely upon or utilize expert testimony in this cause?

(1) If so, state the name of the witness, qualifications, and subject of his/her testimony, and supply to the Defendant any reports or documentation that he or she will rely upon in his/her testimony.

b. Will the State rely on prior acts or convictions of the Defendant of a similar nature as proof of motive, preparation, identity, absence of mistake or accident, knowledge, intent or common scheme or plan? If yes, please specify.

c. Whether or not the State intends to use the prior felony convictions and prior criminal record of the Defendant as an impeachment device if he testifies at trial.

(1) if so, specify which convictions.

16. Any and all evidence in possession and control of the State of Indiana, or its agents which may be favorable to the Defendant and material to the issue of guilt or punishment or could reasonably weaken or affect any evidence proposed to be introduced against the Defendant or is relevant to the subject matter of this cause of action, or in any manner may aid this Defendant in the ascertainment of the truth. Brady v. Maryland (1963), 373 U.S.83, 83 S. Ct. 1194, 10 L.Ed.2d 215.

17. A statement in writing as to whether there has been any electronic surveillances of any conversation to which the Defendant was a party.

18. A statement in writing by the Prosecuting Attorney of Grant County, whether the Defendant has:

- a. appeared in a line-up or show-up;
- b. been made to speak for identification by witnesses to the said offense;
- c. been fingerprinted;
- d. been photographed;
- e. had specimens of material taken from under his/her fingernails;
- f. had samples of blood, hair, breath or other materials of his/her body taken which involve an intrusion thereof;
- g. provided specimen of handwriting;
- h. submitted to physical or medical inspection of his/her body; or
- i. had his/her photograph shown to any witness to the alleged crime, and if so, a copy of such photograph and any other shown to any such witness(es).

19. A statement in writing by the Prosecuting Attorney of Grant County whether hypnosis has been used or attempted to be used on any witness in the investigation of the offense charged against the Defendant.

20. A statement in writing by the Prosecuting Attorney showing whether a deal has been made with any State's witness or if any inducements have been promised in exchange for testimony, as follows:

- a. Any and all consideration or promises of consideration given or offered to prospective State witnesses or the defendant by law enforcement officers.
By "consideration", Defendant refers to absolutely anything of value or use, including but not limited to immunity grants, fees, contributions to witness' or defendant's jail commissary account, clothing, food, shelter, treatment or maintenance of a drug addiction, assistance to members of witness' or defendant's family or associates of witness or the defendant, special or favorable treatment as an inmate or pretrial detainee in the Grant County Jail plea agreements, promises of non-prosecution or deferred prosecution, recommendations regarding parole, clemency or prosecutions in other jurisdictions, or anything else which could arguably create an interest or bias in the witness or the defendant in favor of the State or against the defense or act as an inducement to testify or to color testimony;
- b. Any and all prosecutions, investigations or possible prosecutions pending or which could be brought against the witness or the defendant and any

probationary, parole or deferred prosecution status of the witness or the defendant;

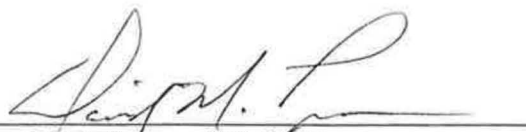
- c. The same information requested in Items 1 and 2 above with respect to each non-witness whose statements are offered in evidence.

21. Grand Jury testimony of a witness, once he has testified. Lockridge v. State (1975) 263 Ind. 678, 338 N.Ed.2d 275.

22. Supply a copy of any information collected by or in the possession of the Prosecutor or his/her office pertaining to or informing him/her regarding any prospective jurors that might be called to serve in this case.

That disclosure and production is to be made without regard as to whether the evidence to be disclosed and produced is deemed admissible at the trial herein, and if the State of Indiana, after complying with the order to produce, finds either before or during trial additional information or facts which are subject to or covered by such order, the State of Indiana shall promptly notify the Court, and the Defendant, of the existence thereof.

Respectfully submitted,

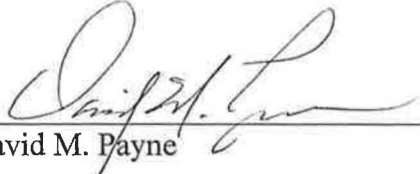


David M. Payne, #5648-27
Attorney for Defendant
112 South Boots Street
Marion, IN 46952
Tel: (765) 664-4132

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on the 16th day of January, 2008 a copy of the foregoing pleading consisting of 7 pages, including this one, has been served upon opposing counsel by ordinary U.S. Mail as follows:

Rodney Faulk
Grant County Courthouse
Grant County Prosecutor's Office
101 East 4th Street
Marion, IN 46952



David M. Payne

**IN THE GRANT SUPERIOR COURT #2
APPEARANCE FORM
(Criminal)**

Case Number: 27D02-0406-FB-69
(Previously supplied by Clerk)

FILED

JAN 17 2008


CLERK GSC 2

// Check if *Pro Se*. In the event the defendant decides to represent himself or herself, complete this form listing address and other service information in number 2.

1. Name of Defendant(s): WILLIE HEMPHILL

(All defendants represented by attorney listed below)

2. Defense Attorney information (as applicable for service):

Name: DAVID M. PAYNE
Address: 112 SOUTH BOOTS STREET
MARION IN 46952

Attorney Number: 5648-27
Phone: (765) 664-4132
FAX: (765) 662-9685
Computer Address: _____

3. Will Defendant accept service by FAX: Yes ___ No X

4. Additional information required by state or local rule: _____

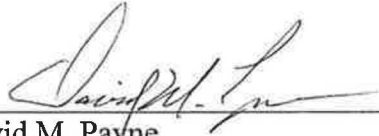
Note: If separate attorneys represent separate defendants, use an appearance form for each separately represented defendant or set of defendants.


DAVID M. PAYNE

Authority: Pursuant to Criminal Rule 2.1(B), this form shall be filed at the time a criminal proceeding is commenced. In emergencies, the requested information shall be supplied when it becomes available. Parties shall advise the court of a change in information previously provided to the court. This format is approved by the Division of State Court Administration.

CERTIFICATE OF SERVICE

I certify that a true and correct copy of the Appearance was served upon Rodney Faulk, Grant County Prosecutor's Office, Grant County Courthouse, 101 East 4th Street, Marion, IN 46952, by depositing a copy of same in the U.S. Mail, first class postage pre-paid, on this the 16th day of January, 2008.



David M. Payne

RYAN & PAYNE

Attorneys at Law
112 South Boots Street
Marion, Indiana 46952-3825

Patrick N. Ryan
David M. Payne*
**Also Admitted in Texas*

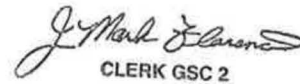
Telephone (765) 664-4132
Fax (765) 662-9685

January 16, 2008

Clerk
Grant Superior Court #2
Grant County Courthouse
101 East 4th Street
Marion, IN 46952

FILED

JAN 17 2008


CLERK GSC 2

RE: State of Indiana vs. Willie Hemphill
Grant Superior Court #2
Cause No.: 27D02-0406-FB-69

To the Honorable Clerk of Said Court:

Enclosed please find my Attorney's Appearance together with Defendant's Motion to Produce Evidence to be filed in the above captioned cause. If you have any questions, please contact me.

Very truly yours,


David M. Payne

cc: Rodney Faulk
Willie Hemphill

DMP/kp

STATE OF INDIANA,
COUNTY OF GRANT,

IN THE GRANT SUPERIOR COURT #2
2008 TERM

STATE OF INDIANA,
Plaintiff

vs.

WILLIE J. HEMPHILL,
Defendant

CAUSE NO. 27D02-0406-FB-6

FILED

FEB 01 2008

CLERK GSC 2

MOTION TO WITHDRAW

Comes now BRUCE N. ELLIOTT, and respectfully requests the court to withdraw his appearance on behalf of the defendant in this case for the following reason:

1. That said attorney has not been retained to represent the defendant concerning the matters presently pending in this case.

WHEREFORE, counsel respectfully requests the Court to enter an order granting counsel's Motion to Withdraw and for all other just and proper relief in the premises.



BRUCE N. ELLIOTT, #11546-49
Attorney at Law
605 South Washington St.
Marion, Indiana 46953
Phone: (765) 664-6251
Fax: (765) 664-6253

CERTIFICATE OF SERVICE

I certify that on the 1st day of February, 2008, service of a true and complete copy of the above and foregoing pleading or paper was made upon each party or attorney of record herein.



BRUCE N. ELLIOTT

STATE OF INDIANA

COUNTY OF GRANT, SS:

STATE OF INDIANA

- VS -

WILLIE HEMPHILL

IN THE GRANT SUPERIOR COURT 2

2008 TERM

CAUSE NUMBER: 27D02-0712-FD-193
27D02-0406-FB-69 PV

PLEA AGREEMENT

Comes now the STATE OF INDIANA and the Attorney of Record for the Defendant, WILLIE HEMPHILL, and respectfully advise the Court that a Plea Agreement has been entered into with the Defendant for the above-entitled cause, which said Agreement is as follows, to wit:

1. The Defendant will enter a plea of guilty to the crimes of AMENDED COUNTS 2 & 3: BATTERY, a Class B Misdemeanors, each of which carries a minimum sentence of zero (0) years incarceration and a maximum sentence of one-hundred eighty (180) days incarceration and a maximum fine of ten-thousand (\$1,000) dollars.
2. The State of Indiana and the Defendant agree that the sentence for said crimes shall be:

AMENDED COUNT 1: 2

JAIL: 180 days executed.

FINE: \$0. & court costs of \$173.

PROB: None

OTHER: No contact with victim as ordered by the Court; No restitution.

AMENDED COUNT 2: 3

JAIL: 180 days executed, concurrent to Amended Count 1: 2

FINE: \$0. & court costs consolidated.

PROB: None.

Cause # 27D02-0406-FB-69:

JAIL: 180 days executed consecutive to above.

PROB: Reinstate. Time served will be applied to this charge. (Probation Violation Charge)

COUNTS 1 & 4 To be dismissed

State has no objection to work release.

Victim notification is pending by Jill Speicher, Victims Assistance Coordinator.

WHEREFORE, the STATE OF INDIANA and the Defendant, by his Attorney of Record, DAVID PAYNE, respectfully pray that the Court accept the above Agreement and for all other just and proper relief in the premises.

Willie Hemphill

WILLIE HEMPHILL
DEFENDANT

3-06-08
DATE

Respectfully Submitted,

Rodney L. Faulk

RODNEY L. FAULK
DEPUTY PROSECUTING ORNEY

03-07-08.

DATE

David Payne

DAVID PAYNE
ATTORNEY FOR DEFENDANT

3/7/08
DATE

AMENDED ABSTRACT OF JUDGMENT

INDIANA DEPARTMENT OF CORRECTION

INSTRUCTIONS: This form must accompany the Judgment, re-Sentence Report, and all other documents required by law, upon the commitment of the adult offender to the Indiana Department of Correction. A separate Abstract must be used for each Cause Number.

Exhibit - C

EXH t-C

THE STATE OF INDIANA VS. WILLIE HEMPHILL

Cause No.
27D02-0406-FB-69

Court
Grant Superior Court 2

Date of Sentencing
August 29, 2005

Presiding Judge
Randall L. Johnson

Prosecutor
Rodney Faulk

Defense Attorney
Bruce Elliott

PART 1 The Defendant was found Guilty of the following crimes under the above-referenced cause:

COUNT	CRIME	CLASS	FEL. <input checked="" type="checkbox"/>	MISD. <input checked="" type="checkbox"/>	STATUTORY CITATION
I	Criminal Confinement	B	XX		35-42-3-3 (b) (2) (A)
II	Battery Resulting in Serious Bodily Inj.	C	XX		35-42-2-1 (a) (3)
III	Intimidation	C	XX		35-45-2-1 (b) (2)
IV	Intimidation	C	XX		35-45-2-1 (b) (2)
V	Interference with Reporting of Crime	A		XX	35-45-2-5 (1)

PART 2 As a result of the above convictions the Court has sentenced the defendant to the Department of Correction as follows: (if consecutive time is received, check only those counts which are to follow the original sentence)

COUNT	SENTENCE YEARS/DAYS	SUSPENDED	CON. C.J.R. <input checked="" type="checkbox"/>	CON. SEC. <input checked="" type="checkbox"/>	WITH (COUNT OR CAUSE NUMBERS)
I	Dismissed				Pursuant to plea agreement
II	Six (6) yrs	Two (2) yrs			
III	Dismissed				Pursuant to plea agreement
IV	Dismissed				Pursuant to plea agreement
V	Dismissed				Pursuant to plea agreement

PART 3 JUDGE'S RECOMMENDATIONS

Is the defendant to be returned to the Court for probation at the completion of his/her sentence ☒ Yes (complete at right) ☐ No

Chief Probation Officer
Cynthia McCoy

No. of days confined prior to sentencing
448 (actual) days

Recommended degree of security
Maximum Medium Minimum

☒ No recommendation

Additional comments and recommendations:

PART 4 JUDICIAL SIGNATURE

Signature of committing judge

Date signed

PART 5 AFFIDAVIT OF CLERK

State of Indiana)
County of Grant) SS:

I, Carolyn J. Mowery, Clerk of Grant County, State of Indiana, do hereby certify that the foregoing is a true and complete abstract of judgment of said Court in the above-entitled cause, on the date first shown on record in my office. As testimony of these facts, I sign my name and affix the seal of the Superior Court No. 2 of Grant County, at my office in the City of Marion this 2nd day of Dec, 2005.

Signature of Clerk

FILED

MAR 17 2008

STATE OF INDIANA

IN THE GRANT SUPERIOR COURT 2

COUNTY OF GRANT, SS:

CLERK GSC 2

2008 TERM

STATE OF INDIANA

- VS -

CAUSE NUMBER: 27D02-0712-FD-193
27D02-0406-FB-69 PV

WILLIE HEMPHILL

PLEA AGREEMENT

Comes now the STATE OF INDIANA and the Attorney of Record for the Defendant, WILLIE HEMPHILL, and respectfully advise the Court that a Plea Agreement has been entered into with the Defendant for the above-entitled cause, which said Agreement is as follows, to wit:

1. The Defendant will enter a plea of guilty to the crimes of AMENDED COUNTS 2 & 3: BATTERY, a Class B Misdemeanors, each of which carries a minimum sentence of zero (0) years incarceration and a maximum sentence of one-hundred eighty (180) days incarceration and a maximum fine of ten-thousand (\$1,000) dollars.
2. The State of Indiana and the Defendant agree that the sentence for said crimes shall be:

AMENDED COUNT 2

JAIL: 180 days executed.

FINE: \$0. & court costs of \$173.

PROB: None

OTHER: No contact with victim as ordered by the Court; No restitution.

AMENDED COUNT 3

JAIL: 180 days executed, concurrent to Amended Count 2.

FINE: \$0. & court costs consolidated.

PROB: None.

Cause # 27D02-0406-FB-69:

JAIL: 180 days executed consecutive to above.

PROB: Reinstate. *Time served will be applied to this charge first. (Probation violation charge)*

*COUNTS 1 & 4 to be dismissed.
state has no objection to WORK RELEASE*

Victim notification is pending by Jill Speicher, Victims Assistance Coordinator.

WHEREFORE, the STATE OF INDIANA and the Defendant, by his Attorney of Record, DAVID PAYNE, respectfully pray that the Court accept the above Agreement and for all other just and proper relief in the premises.

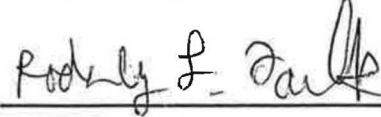


WILLIE HEMPHILL
DEFENDANT

3-6-08

DATE

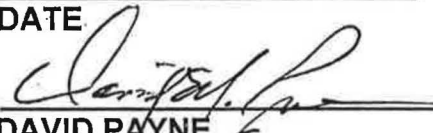
Respectfully Submitted,



RODNEY L. FAULK
DEPUTY PROSECUTING ORNEY

03-17-08

DATE



DAVID PAYNE
ATTORNEY FOR DEFENDANT

3-7-08

DATE

DEFENDANT'S ACCEPTANCE OF PLEA AGREEMENT

Defendant in the above-entitled cause, WILLIE HEMPHILL affirms under the pains and penalties for perjury that the following statements are true, to-wit:

1. Defendant has read and received a copy of the attached Plea Agreement and fully and completely understands and accepts it.
2. That Defendant fully understands the nature of each charge to which he/she will plead guilty.
3. That Defendant fully understands that by his/her plea of guilty to the crime contained in numerical paragraph one (1) of the Plea Agreement, he/she is admitting the truth of all facts alleged to prove each crime.
4. That Defendant fully understands that by a plea of guilty Defendant waives the following right to:
 - a) A public and speedy trial by jury;
 - b) Confront and cross-examine witnesses against him/her;
 - c) Have compulsory process for obtaining witnesses in his/her favor;
 - d) Require the State to prove his/her guilt beyond a reasonable doubt at a trial at which he/she may not be compelled to testify.
5. That Defendant fully understands the Defendant's right to a jury trial includes the right to have a jury determine, by proof beyond a reasonable doubt, the existence of any fact or aggravating circumstance that would allow the Court to impose a sentence in excess of the statutory presumptive sentence. The Defendant also has the right to have the State of Indiana provide written notification to the Defendant of any such fact or aggravating circumstance. The Defendant fully understands that by a plea of guilty, the Defendant waives these rights and fully understands the Court will make the determination as to the existence of any fact or aggravating circumstance that would allow the Court to impose a sentence in excess of the statutory presumptive sentence, without the use or intervention of a jury and sentencing will proceed without any written notification to the Defendant by the State of Indiana of any such or aggravating circumstance.
6. That Defendant has been advised of the maximum possible sentence and minimum sentence for each crime charged.
7. That Defendant has been advised of the possible increased sentence by reason of the fact of a prior conviction or convictions and possibility of the imposition of consecutive sentences.
8. That Defendant has been advised of the possible ramifications to his/her driver's license that may occur due to his/her plea of guilty to a traffic offense.

Specifically, the Defendant has been advised of the qualifications of being considered a habitual traffic violator by the Bureau of Motor Vehicles, and by statute.

9. That Defendant fully understands that the Court is not a party to this Plea Agreement between the STATE OF INDIANA and Defendant and that the Court may accept or reject it. If the Court accepts the Plea Agreement the Court shall be bound by the terms of the Plea Agreement. If the Court rejects the Plea Agreement, the Court will set the case for trial.

10. Defendant's guilty plea is completely voluntary, and that no threats, promises, force or coercion were used against him/her.

11. Defendant is fully satisfied with the services rendered by his/her Attorney of Record, DAVID PAYNE, and that said Attorney has competently and effectively represented him/her.

12. Defendant acknowledges that his execution of this agreement evidences the fact that he is knowingly, intelligently, and voluntarily waiving his right to challenge the sentence imposed by the Court, pursuant to this agreement, on the basis that such sentence is erroneous. The Defendant further agrees that by his execution of this agreement he is waiving his rights to challenge the Court's finding and balancing of mitigating and aggravating factors as well as his right to have the Court of Appeals review the sentence imposed herein under Indiana Appellate Rule 7(B).

13. Defendant's signature to this acceptance certifies that all of the statements contained in said Acceptance of Plea Agreement are true, and that any questions concerning said Acceptance of Plea Agreement have been answered by his/her Attorney of Record to his/her complete satisfaction.


WILLIE HEMPHILL

3-6-08
DATE

Probation Officer

1 of 2

To: All This Concerns; Tom Lawson

3-21-08

Due to some ERRORS unknown to me; I am currently being Falsely Imprisoned or Imprisoned under False Charges: Charges That were Dismissed by Honorable Judge Randall Johnson Superior Court - II

Under Docket # 27D02-0406-FB-69 PV

Currently Shows me to have Served and to now be Serving Time for: Class B-Felony Criminal Confinement X-2; Intimidation; AND Interference with Reporting of Crime; All of which were Dismissed in Sup. II By Judge Johnson on August 29, 2005; See Amended Abstract of Judgement; Filed Dec, 2, 2005 Included

Under Docket # 27D02-0712-FD-193

Currently Shows me Serving Time for Residential Entry - A Class D-Felony and B-Misdemeanor Mischief which were Both Dismissed by Judge Johnson; Sup. II on March 17, 2008;

Also currently serving Time for A-Misdemeanor-Battery X-2; which were Both Amended to B-Misdemeanor Batteries by Judge Johnson; Sup. II on March 17, 2008; see Plea Agreement Included Filed - MARCH 17, 2008.

* Why is The Judge Bound to The Terms of A Plea Agreement and Not The Jail *

2 of 2

3-21-08

Honorable Judge Randall Johnson also Ruled
for me to serve Time for my Probation
Violation (27D02-0406-FB-69 PY) C-Felony
first then to serve Time on my Amended
B-Misdemeanor Batteries (27D02-0712-FD-193)

I attempted to resolve this problem through the
Grant County Security Complex Inmate Grievance
Form; But it came back unsigned with a statement
We go by Docket # [I did not Plead Guilty
to A Docket # I Plead Guilty to specific Charges]

I am Entering this As my Official Grievance
and Petition to Correct ERRORS and would
appreciate a Response from the Following
Representatives of the Grant County Jail;
Grant County Probation; Grant County Prosecutors Office
Grant County Public Defender; and Grant County
Judge of Superior Court II; I would like a
Response from each of you concerning this
matter. Sheriff Darrell Himelick; Tom Lawson;
Rodney Faulk; David Payne; and Honorable Judge
Randall Johnson. Respectfully Submitted by:
Willie Hemphill

Signed Willie Hemphill
Dated March 21, 2008

STATE OF INDIANA }
COUNTY OF GRANT } s:

IN THE SUPERIOR COURT 2
2008 TERM

STATE OF INDIANA

VS.

WILLIE JAMES HEMPHILL

FILED

MAR 25 2008

CAUSE: 27D02-0406-FB-69

J. Mark J. J. J.
CLERK GSC 2

INFORMATION FOR THE COURT

Your Petitioner, Thomas Lawson, a Probation Officer for Grant County, Indiana
respectfully represents to the Court as follows:

This officer received the following letter from the defendant which was dated March 21, 2008. It is
being forwarded to the Court for review.

Dated this 25th day of March, 2008.

Respectfully Submitted,

Thomas Lawson
Thomas Lawson
Probation Officer

STATE OF INDIANA

IN THE GRANT COUN

SUPERIOR COURT II

SS:

COUNTY OF GRANT

STATE OF INDIANA

VS.

WILLIE HEMPHILL

FILED

AUG 22 2008

J. Mark Flanagan
CLERK GSC 2

FILED

SEP 12 2008

J. Mark Flanagan
CLERK GSC 2

CAUSE NUMBER: 27D02-0406-FB-69

PETITION FOR REVOCATION OF PROBATION

Your Petitioner, Thomas Lawson, a Probation Officer with the Grant County Probation Department respectfully represents to the Grant County Superior Court II as follows, and affirms under the penalties of perjury that the following representations are true.

That the defendant, age 36, was born, September 10, 1971, and whose last reported address was 310 West 20th Street, Marion, Indiana 46953.

That on August 8, 2005 the defendant pled guilty to the charge of Battery Resulting in Serious Bodily Injury, a Class C Felony.

That on August 29, 2005, the Grant County Superior Court II found the defendant guilty of the aforementioned charges and sentenced the defendant to:

Six (6) years with two (2) years suspended to be served on two (2) years probation

That on June 9, 2006, the defendant signed "Conditions of Probation" with the Grant County Superior Court II as witnessed by Probation Officer Kim Kinsey.

That on or about December 13, 2007, a Petition for Revocation of Probation was filed in this cause after the defendant was arrested for the offenses of residential entry, battery, and criminal mischief. That on March 17, 2008 defendant was found to have violated the conditions of his probation and was ordered to served 180 days of the previously suspended sentence and was placed on probation for the remainder of that suspended sentence (1 ½ years).

The defendant was released May 20, 2008 which made his new termination date from probation November 20, 2009.

That on August 20, 2008, the defendant was arrested for the offenses of Resisting Law Enforcement and Possession of Marijuana.

This is a violation of Rule #1 and Rule #4 of the Condition of Probation which state:

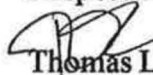
"You will not commit another criminal offense."

"You will not possess or consume any controlled substances unless prescribed by a physician."

THEREFORE, this officer respectfully requests to the Grant County Superior Court II that a WARRANT be issued and a hearing be set concerning this Petition for Revocation of Probation.

Dated this 21st day of Aug , 2008.

Respectfully Submitted,



Thomas Lawson
Probation Officer
Grant County, Indiana

Approved by:



Grant County Prosecutor's Office

WITNESSES:

Thomas Lawson, Grant County Probation

STATE OF INDIANA
COUNTY OF GRANT
IN THE GRANT SUPERIOR COURT NO. 2
2008 TERM

FILED

SEP 12 2008

J. Mark Johnson
CLERK GSC 2

STATE OF INDIANA

VS.

CAUSE NO. 27D02-0406-FB-69

WILLIE JAMES HEMPHILL

ORDER FOR ARREST WARRANT FOR PROBATION VIOLATION

The State of Indiana by Thomas Lawson, (Probation Officer), appears and files its Petition alleging the probationer, WILLIE JAMES HEMPHILL, with violating conditions of probation, said Petition being as follows:

(H.I.)

The State of Indiana also files the Order of Protection containing the conditions for said probationer, as follows:

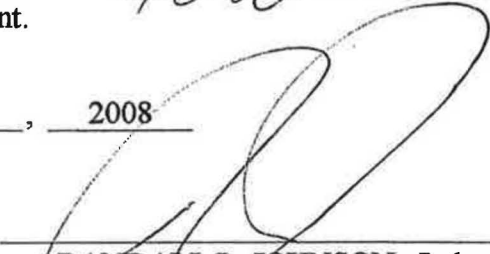
(H.I.)

The Court examines said Petition and finds that:

- ☐ there is a risk of probationer fleeing the jurisdiction;
- ☐ the probationer has fled the jurisdiction; or
- ☐ there is a risk of probationer causing harm to others.

The clerk is now directed to issue immediately a warrant for arrest of probationer to the sheriff of Grant County, Indiana, returnable forthwith. Bail is set at 1000 and the clerk is directed to endorse the amount of said bail on the warrant.

So ORDERED this 09/12 day of September, 2008



RANDALL L. JOHNSON, Judge
Grant Superior Court No. 2

GRANT SUPERIOR COURT NO. 2
COURTHOUSE
101 E. 4TH ST.
MARION, IN 46952

RANDALL L. JOHNSON
JUDGE

BRIAN MCLANE
JUVENILE REFEREE

TELEPHONE
765-662-1719

FAX
765-668-6541

CLAUDIA HUBARTT
TERI WOENKHAUS
JANE WILLIAMS
COURT REPORTERS

JENNIFER CASSIDY
BAILIFF

September 8, 2008

TO: PROBATION – Thomas Lawson

FROM: Teri Woenkhaus

RE: Petition for Revocation of Probation

Dear Tom,

Judge Johnson has requested I return this to you and request a completed ORDER FOR ARREST WARRANT FOR PROBATION VIOLATION. Superior Court 2 requires this with each Petition for Revocation of Probation.

Thank you.

STATE OF INDIANA
SS:
COUNTY OF GRANT

IN THE GRANT COUN SUPERIOR COURT II

STATE OF INDIANA

VS.

WILLIE HEMPHILL

FILED

AUG 22 2008

CLERK GSC 2

CAUSE NUMBER: 27D02-0406-FB-69

FILED

SEP 12 2008

CLERK GSC 2

PETITION FOR REVOCATION OF PROBATION

Your Petitioner, Thomas Lawson, a Probation Officer with the Grant County Probation Department respectfully represents to the Grant County Superior Court II as follows, and affirms under the penalties of perjury that the following representations are true.

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That on August 29, 2005, the Grant County Superior Court II found the defendant guilty of the aforementioned charges and sentenced the defendant to:

Six (6) years with two (2) years suspended to be served on two (2) years probation

That on June 9, 2006, the defendant signed "Conditions of Probation" with the Grant County Superior Court II as witnessed by Probation Officer Kim Kinsey.

That on or about December 13, 2007, a Petition for Revocation of Probation was filed in this cause after the defendant was arrested for the offenses of residential entry, battery, and criminal mischief. That on March 17, 2008 defendant was found to have violated the conditions of his probation and was ordered to served 180 days of the previously suspended sentence and was placed on probation for the remainder of that suspended sentence (1 ½ years).

The defendant was released May 20, 2008 which made his new termination date from probation November 20, 2009.

That on August 20, 2008, the defendant was arrested for the offenses of Resisting Law Enforcement and Possession of Marijuana.

This is a violation of Rule #1 and Rule #4 of the Condition of Probation which state:

"You will not commit another criminal offense."

"You will not possess or consume any controlled substances unless prescribed by a physician."

THEREFORE, this officer respectfully requests to the Grant County Superior Court II that a WARRANT be issued and a hearing be set concerning this Petition for Revocation of Probation.

Dated this 21st day of Aug , 2008.

Respectfully Submitted,



Thomas Lawson

Probation Officer

Grant County, Indiana

Approved by:



Grant County Prosecutor's Office

WITNESSES:

Thomas Lawson, Grant County Probation

STATE OF INDIANA
COUNTY OF GRANT
IN THE GRANT SUPERIOR COURT NO. 2
2008 TERM

FILED

MAR 17 2008

J. Mark Edwards
CLERK GSC 2

STATE OF INDIANA

vs.

CAUSE NO. 27D02-0406-FB-69

WILLIE HEMPHILL

ORDER OF SENTENCE ON PROBATION VIOLATION

Comes now State of Indiana by Rodney Faulk. Comes now the defendant in the custody of the Sheriff together with his attorney, David Payne. Defendant moves the Court to enter an admission to the Petition for Revocation of Probation pending herein. The defendant now admits to have violated the terms of his probation by having committed the crime of Probation Violation, Rule #1: "You will not commit another criminal offense". The court finds defendant's admission to be freely given, and finds that he has violated the terms of his probation. The Court now revokes the suspended sentence herein, and pursuant to agreement of the parties, enters the following sentence.

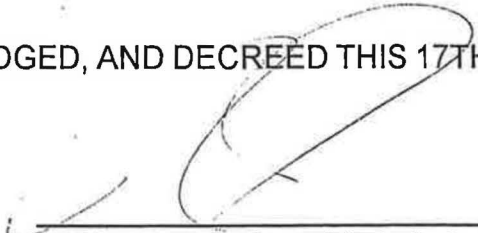
A. The defendant shall be sentenced into the custody of the Sheriff of Grant County for a term of 180 days.

B. That the defendant be granted 90 (actual) days, Credit Time, defendant was in jail pending sentencing upon such sentence.

C. The defendant shall be released from the custody of the Sheriff of Grant County this date and remanded to probation for remainder of previously suspended sentence.

Judgment on the findings.

ALL OF WHICH IS ORDERED, ADJUDGED, AND DECREED THIS 17TH DAY OF MARCH, 2008.



RANDALL L. JOHNSON, Judge
Grant Superior Court No. 2

State of Indiana
County of Grant

IN The Grant County Superior
Court -2

Cause# 2700X-0406-FB-69

State of Indiana (Plaintiff)
VS

Willie J. Hemphill (Defendant)

Written Notice of Appeal

Comes Now the Defendant, Willie J. Hemphill, AND
Notifies the Honorable Court of his Intent to Appeal; the
Above Cause. Petitioner Request the Honorable Court
to order the Clerk of the Court to Prepare A
Complete And True Copy of All Transcripts in this
Cause to be delivered to the Petitioner at ~~the~~
214 E 4th Street, Marion, IN, 46952.

Citing the Freedom of Information Act, Petitioner
is entitled to one (1) free Copy of All Transcripts

Respectfully Submitted
Willie J. Hemphill

Signed: Willie J. Hemphill
Pro Se

Dated: Sept. 24, 2008

STATE OF INDIANA
COUNTY OF GRANT
IN THE GRANT SUPERIOR COURT NO. 2
2008 TERM

FILED

SEP 24 2008

J. Mark Flansburg
CLERK GSC 2

STATE OF INDIANA

VS.

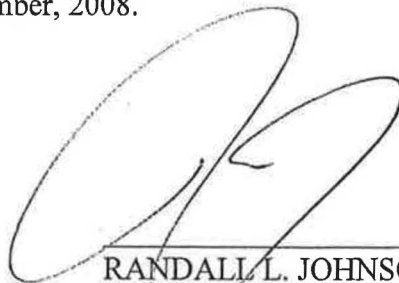
CAUSE NO. 27D02-0406-FB-69

Willie Hemphill

**ORDER ON INITIAL HEARING
ON PETITION FOR REVOCATION OF PROBATION**

Comes now the defendant in custody. The Court now advises defendant of the right to counsel, the right to remain silent, the nature of the Petition for Revocation of Probation and the amount and conditions of the bond. Defendant informs the Court he will represent himself pro se, and the Court appoints David Payne to assist defendant, finding defendant to be an indigent person. The Court now sets hearing on Petition for Revocation of Probation for October 27, 2008, at 9:00 a.m. Defendant is remanded into custody to return in open court for further proceedings. Judgment on the findings.

Dated this 24th day of September, 2008.



RANDALL L. JOHNSON, Judge
Grant Superior Court No. 2

State of Indiana
County of Grant

IN The Grant County Superior
Court -2

Cause 27002-0406-FB-69

State of Indiana (Plaintiff)
VS

Willie J. Hemphill (Defendant)

FILED

SEP 24 2008

J. Mark Flannery
CLERK GSC 2

Written Notice of Appeal - 1

Comes Now the Defendant, Willie J. Hemphill, AND
Notifies the Honorable Court of his Intent to Appeal; the
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Cause to be delivered to the Petitioner at ~~the~~
214 E 4th Street, Marion, IN, 46952

Citing the Freedom of Information Act, Petitioner
is entitled to one (1) free Copy of All Transcripts

Respectfully Submitted
Willie J. Hemphill

Pro Se
Signed: Willie J. Hemphill

Dated: Sept. 24, 2008

State of Indiana
County of Grant

IN The Grant County Superior
Court -2

Cause# 2700X-0406-FB-69

State of Indiana (Plaintiff)
VS

Willie J. Hemphill (Defendant)

FILED

SEP 24 2008

J. Mark Edwards
CLERK GSC 2

Written Notice of Appeal

Comes Now the Defendant, Willie J. Hemphill, AND
Notifies the Honorable Court of his Intent to Appeal; the
Above Cause. Petitioner Request the Honorable Court
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Cause to be delivered to the Petitioner at ~~the~~
214 E 4th Street, Marion, IN, 46952.

Citing the Freedom of Information Act, Petitioner
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Respectfully Submitted
Willie J. Hemphill

Pro Se
Signed: Willie J. Hemphill

Dated: Sept. 24, 2008

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1 of 2
State of Indiana 10-24-08 IN The GRANT County
County of Grant Superior Court - II
FILED

State of Indiana
VS
Willie J. Hemphill
IN The 2008 Term
Honorable Judge; Randall Johnson
Cause No. 27D02-0406-FB-69-PV.

Motion to Dismiss & Discharge

Comes Now Defendant, Willie J. Hemphill; Pro Se and Respectfully Moves this Honorable Court to Dismiss this Probation Violation and to Discharge Defendant. 34-7-7-9; Sec. 9(d). IN Support defendant will show by A Preponderance of the Evidence that the witnessing and signing of Conditions of Probation on June 9, 2006; Are Not Valid by Federal Standards. See: Bright Vs. State of Indiana June-2008

1.) The Petition for Revocation shows that on June 9, 2006; the Defendant was Not Read Condition of Probation by the Honorable Judge; Randall Johnson and did not sign Conditions of Probation before the Honorable Judge nor The Honorable Courts; But in the Witnessing of Kim Kinsey a Probation Officer

2.) The Chronological Case Summary for Cause Number: 27D02-0406-FB-69; Shows the Courts

Page

2 of 2

10-24-08

to have Imposed Conditions of Probation on June 12, 2006; A day I WAS NOT present. Therefore they could NOT have been Imposed to me.

3.) That it is in the Best Interest of Justice for Criminal Proceedings and Charges Against Defendant be Dismissed and All other Proper Relief be Granted; Termination of Probation (2-years having Expired from Release DATE June 7, 2006,)

Respectfully Submitted

Willie J. Hemphill; Pro Se

Date: October 24 2008

Willie J. Hemphill
214 E. 4th Street
Marion, IN 46952

State of Indiana
County of Grant

Page
1 of 2
10-24-08
FILED

IN The GRANT County
Superior Court - II

IN The 2008 Term

State of Indiana
VS

OCT 14 2008

Honorable Judge; Randall

Johnson

Willie J. Hemphill

Cause No. 27D02-0406-FB-69-P.V.

Motion to Dismiss & Discharge

Comes Now Defendant, Willie J. Hemphill, Pro Se and Respectfully Moves this Honorable Court to Dismiss this Probation Violation and to Discharge Defendant. 34-7-7-9; Sec. 9(d). In Support defendant will show by A Preponderance of the Evidence that the Witnessing and signing of Conditions of Probation on June 9, 2006; Are Not Valid by Federal Standards. See: Bright Vs. State of Indiana June-2008

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2.) The Chronological Case Summary for Cause Number: 27D02-0406-FB-69; Shows the Courts

to have Imposed Conditions of Probation on June 12, 2006; A day I WAS NOT present. Therefore they could not have been Imposed to me.

3.) That it is in the Best Interest of Justice for Criminal Proceedings and Charges Against Defendant be Dismissed and All other Proper Relief be Granted: Termination of Probation (2-years having Expired from Release Date June 7, 2006.)

Respectfully Submitted

Willie J. Hemphill, Pro Se

Date: October 24, 2008

Willie J. Hemphill
214 E. 4th Street
Macon, IN 46952